ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

ORGANIZATIONAL SESSION 1975
SPECIAL SESSION 1975
SECOND SPECIAL SESSION 1975
THIRD SPECIAL SESSION 1975
REGULAR SESSION 1975
FOURTH SPECIAL SESSION 1975

IN FOUR VOLUMES

VOL. I



GEORGE C. WALLACE, Governor
JERE BEASLEY, Lieutenant Governor
PIERRE PELHAM, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
ROBERT T. CROWE, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1975 Special Sessions and the 1975 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Agnes Baggett
Secretary of State

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INDUSTRIAL TERMINAL

MONTGOMERY, ALABAMA

MESSAGE OF GOVERNOR GEORGE C. WALLACE

TO JOINT SESSION OF THE ALABAMA LEGISLATURE

AT ORGANIZATIONAL SESSION JANUARY 21, 1975

Thank you very much, Governor Beasley. I must say to you and the Speaker, Joe McCorquodale, and other members of the House of the Legislative Assembly and the Joint Session that it is a great pleasure to be back again with you, and many of you who for the first time will serve in this historic body of the Legislature of Alabama.

I know that each one of you is already aware of the awesome responsibility that faces those of us in the Executive and Legislative branches of our government in the sense that we have a great number of problems in the State, and other States have the same problems, due to the economic recession that we now face not only in Alabama but throughout the Nation.

Sometimes in the past I recall in the beginning of my early career, which has been so long ago that I can hardly remember it, I sat one time as a member of this body. I served for six years—that's ancient history to many of you—but when I was here in this body we had electric lights. We didn't have air conditioning. I can remember later on when I became Chief Executive that quite a number of times the old Capitol almost exploded. Even though it hasn't come to that, this time I am sure it is not going to come to that. But in case it does, I say to you, as Governor, I'm coming to you, not with an olive branch but with an olive tree.

I know that each one of you knows and feels that there needs to be cooperation, and you've expressed that yourselves on so many occasions individually, and I believe almost collectively. And as I said yesterday in my Inaugural Address, the people of Alabama do look to us for deliberation and debate. They do not want arguing and bickering in the sense that we have seen it sometimes in the past. Yes, the people of our state face hardships, and they want us to govern in the context of the time in which they face—with honesty and frugality—rendering the services that we need for the people of our state and at the same time cutting corners where we can and tightening our belts, because in the past number of years when I addressed this body, we had to use the surpluses that we could even anticipate in the next biennium. But in this year, 1975, we do have a surplus, so called, in the Educational Trust Fund, and a $14 million surplus, I believe, in the so-called General Fund, which as in most States happens to be inflationary with

very little growth, not only in Alabama but in every other State of the Union.

Therefore, in performing the main task of a Governor, that is the duties that he performs in submitting the budget to you, I must take into consideration the law of this state that says that I must submit a balanced budget—one in keeping with the income of our state; otherwise we would have proration. You who have experienced proration a few years ago believe that we in both branches of government, working together, (and I said this to you before) with the expertise of those in the Executive Branch and the Legislative Branch, we are going to be able to do just that. We will be able to provide the services needed, but at the same time there are places that we can cut back, and briefly I want to talk about the problem areas.

The problem areas happen to be, of course, the General Fund of our state and the Highway Department Trust Fund, which is in the same shape as that of every other highway fund in every other State in the Union. I know that there is a tendency on the part of senior members of the Legislature because all of us—including myself when I was a member—always had some program that I thought was so good and necessary, and actually at times when we had the money they were good.

But I must tell you that so many times when we have so many programs that take money from the General Fund, then we face problems in matters such as, for instance, the issuance of Docks bonds. This in my judgment is one of the most important items that we are going to face because the Tennessee-Tombigbee has had the completion date pushed up, I understand as a matter of creating employment in the Country and also for its economic benefits. I did not believe in the beginning that the date would ever be in 1981, but that is the date.

That means that this legislature has the responsibility to upgrade the Docks of Alabama to the extent that they may be able to complement and accept the additional tonnage and business that is going to come by the Tennessee-Tombigbee Waterway and also that which will come with the possibility of the Ameraport—the Superport — on which Senator Noonan and others have worked so hard and diligently and which I have allocated portions of your revenue sharing money to carry on that work. The State of Alabama has done all that it can do. It is ahead, in my judgment, of many places in the Country. In this regard, we have done our homework. Now it all depends on whether or not we receive the permit and approval of the proper environmental studies that others have made.

So let me say that docks bonds for the Docks of Alabama must be financed through the General Fund of Alabama, and if the General Fund of Alabama is depleted and used to the point of installation of new programs or the expanding of some programs that could do without expansion at this time, then the bonds that you have authorized, if authorized by the people of this state (and I pray and hope that they will so authorize and I believe that when they are informed of the necessity they will do so) that it would be very embarrassing to the Government of Alabama to not have anybody buy them or not to have anybody bid on them. That can be avoided if we are very conscious of the fact that the General Fund is a fragile fund in the sense that most of our money in Alabama is earmarked. It is earmarked in the field of education; and, therefore, cannot be used by law for any of these purposes of which the General Fund expends her money. Therefore, I would like to warn you and to suggest to you that we be very diligent in our efforts to see that the General Fund is left in such shape that we may be able to carry on and provide this important service to the people of Alabama. I know that this is something you cannot emphasize too much, and I emphasize it as strongly as I know to do so today in my first address to you—the new Legislature that I feel and believe is going to be one of the best that ever served in the history of Alabama. I want to say that I have been with many legislatures not that some of the others in the past have not been good and fruitful, but I believe that you are going to rise to the challenge of the times because in other times legislators sat not only with a surplus but with an anticipated and sure surplus for the two years hence. But that is not the case as of today, because of the economic conditions we now face I hope the upturn comes this year to the point that we will have surpluses in 1977. We cannot depend upon it and we must prepare for that contingency.

I might say that out of the General Fund, as you know, we must look after the Prison Department if there is to be any upgrading of the prison system, which there should be in Alabama. We have done much in the last number of years, but much yet needs to be done, and it must come from the General Fund.

The medicaid problem is another problem you also must face. We're going to be $5 or $6 million short for this year; and, therefore, it is going to take an emergency appropriation or supplemental appropriation in your session upcoming, whenever that might be, to carry us through the remainder of this fiscal year. I think it would be certainly something you would not want to put up with to go back home and have the people tell you that "as soon as I sent you to the Legislature, I lost

my medicaid card," because this is important to the poor—the underprivileged of our state. It is a program that is in effect and must be continued from the General Fund of Alabama. The aged, the blind, the disabled, the police forces of our state, the Legislative Branch of the Government, the Executive Branch of the Government; all of these come from the General Fund. You must recall that in 1973, I believe it was, the Legislature of our state provided additional funding by salary increases for the Court system of Alabama; and, therefore, that comes from the General Fund of Alabama.

The State employees, many thousands of them, are under the General Fund, and they are entitled to and should receive at least the cost of living increase and even more if it is possible. That must come from the General Fund of Alabama. Therefore, I am sure that you are going to look very closely at the expenditures, especially the new ones, proposed from that particular fund. In my judgment that is a problem area, and I'm doing what I can as the Chief Executive of the State to provide a program of cash flow out of zero budgeting to aid you in that cause. I know that you will help me in that matter because I believe that zero budgeting is good, and I believe that the cash flow plan is going to provide additional millions to the State Treasurer's General Fund.

I also feel that the ceiling should be removed on the interest rate on what the banks in Alabama pay for the money our taxpayers deposit in their banks. I do not believe that the banks of Alabama will consider this a fight against any institution because they are so vital and necessary to the economy of this state. I do not want anybody to misunderstand the purpose of this, but Alabama's tax money paid by the rubber workers and the paper workers and the little businessmen and everyone else of this state should draw just as much interest in any bank as does that drawn by anyone else. I believe the banks of Alabama, themselves, are going to concur with this and will support it. In fact, I call upon them to support it. I can tell you that when you get to the problems involved in the General Fund, you must increase it in whatever manner you can that is in keeping with non-raising of taxes on the consuming public for the General Fund of Alabama. I'm sure that is sufficient on that particular subject because I know that you know yourselves the condition of the General Fund of Alabama.

The Educational Trust Fund of Alabama has a $101 million surplus. I hope that we might be able to continue, in fact we will continue, the upgrading of education in Alabama. We must also look forward to years hence, because I think it would be a tragedy for this legislature to appropriate to the extent that in 1977 you had to then cut back or have proration.

I would hope the economy will hold up so that we might provide all of the fine things that teachers of Alabama in our educational processes need. Education has been upgraded in this state in the last decade to the extent of being upgraded as never before, and it needs further upgrading. But I want to remind you and others that some of the figures we see about education and where it ranks that you can do anything with figures. The teachers of Alabama do need salary increases. There's no question about that and no one is going to argue that. I'm for that and will do all that I can to see that we move toward the National average and hope that by the end of this administration that the economic situation providing, we may do just that. But I would like to point that out to some of the statistical writers and makers and some of the media when we talk about per-pupil expenditure as compared to some States.

I ran in a National campaign recently, and when I went to a State like Wisconsin a person who owned a $10,000 home paid $500 a year ad valorem tax and the average in Alabama was $45. A teacher who owned a $10,000 home in Wisconsin paid $1,000 ad valorem tax and the average in Alabama is about $90. So you can see you can make $1,000 less in Alabama and live in a home and still be making as much as someone with the same salary in Wisconsin. If you live in Massachusetts, you pay around $2,000 a year on your $20,000 home.

I can tell you that as long as I am Governor, I hope that I can do what I can to prevent the time ever coming when people are almost priced from their homes and businesses. When the theoreticians get to talking about how much money we could raise if we had equalized (and equalization is all right), I'm going to tell you one thing: I'd rather pay $40 in Barbour and $30 in Clay then to pay $500 in every county for a $10,000 home. I like the other kind of equalization better than I do that kind, and if you had gone to some of the States with me in 1972, you would have found that the great complaint today is that people cannot own a home for the simple reason that ad valorem taxes are so high. We're not supposed to tax people out of their ownership of private property in this state.

So what I'm trying to say to you is that when some schools have to use fuel for their heating every month of the year, and we use it only about three months, that goes on into the per-pupil expenditure. I'm not trying to say that we're at the top, but I'm trying to say that sometimes the figures that some of these States put out in some far distant places do not necessarily reflect actual true economic conditions of this state nor any of her public servants.

I did want to reiterate to you that in the field of medical education, elementary, secondary and vocation education, we should continue to move forward because therein, as I know the old cliche, lies the solution to many problems that we have in this state. I want to be known when I go out as Governor, and you want to be known also, as continuing to be a Governor that was favorable and inclined toward education so that every child in this state, regardless of their wealth or their race or color, is entitled to an equal opportunity of education in this state. That's what we started off to do in 1963 by bringing into being the existence of junior colleges and trade schools and eventually the building of medical schools in Mobile and the family physician program in Tuscaloosa, Huntsville and the expansion of our nursing program and physical therapy program and the technician program, because the health of Alabamians also should not be neglected by that which we can do as a Legislative and Executive Branch of State Government. So let us say that we shall continue to work toward education which benefits all the people of our state and especially children.

I go to highways. The highway problem was on the last program that we attended in South Carolina of the Democratic Governors. I attended there thinking that we were going to talk—that was the purpose of it—about the charter of the upcoming convention in Kansas City. But you know what was most talked about publicly in the microphone of the conference was the condition of their highway departments. Every single highway department in the United States has been mashed to death by the Federal Government. We would like to continue the road-building program, if necessary, not only for business and commerce, but for the health and safety and security of the people of our state. Therefore, I know from experience about the health factor (and I won't go into that much) but it is a problem.

The National Governor's Conference at its last Mid-Winter, mid-term, Conference meeting in Washington, D.C., passed a resolution that I had called Mr. Bass, the State Highway Director, about and said that I want to introduce a resolution asking for the return of Federal funds—so-called Federal funds (they're taxpayers' funds)—to the States on a non-matching basis. He said, "Well, I think that is good. It certainly would help out. It might curtail the program a little in the sense it would not have quite as much money because of the State's portion because we don't have it in the first place." They also don't have it in New Mexico, Pennsylvania, or any other State. When I got to the conference the first resolution lying on top of each one's desk was a resolution from the Governor of Wisconsin calling for the return of highway funds

on a non-matching basis. The next resolution under that was from the North-Atlantic Governor's Conference, composed of a number of large States, that had passed the resolution unanimously calling upon the Government to return highway funds on a non-matching basis to the States where they could continue their program without continual borrowing or having to add further additional taxation on the people.

I hope that the Legislature of this state before you go home (even though this is an organizational session) would pass this resolution and one is already prepared, calling on the President and the Congress with copies going out to members of the Congress to get out highway funds back on a non-matching basis because they're about to match Alabama and every other State to death. I hope you will agree with that.

I hope also that you will consider the matter of toll roads. You might study what other States are doing in this regard. Whether it might be a feasible answer or not, I would like for this legislature to determine one way or another, because there are many who say it is good. If it is good, then we ought to, ourselves, move forward in that field. I will, of course, leave that to the discretion (and I would have to anyway) of the Legislature of our state. But I do think you should look into it and should consider it.

We are going to eventually, if not in the May session coming up but during this administration, have a reorganization of State Government planned. I hope it will not turn out like the one in Missouri where the Republican Governor offered his reorganization plan where they had 40 departments in the beginning, and when it was over they had 70. We don't want that kind of reorganization in Alabama. But that in my judgment is something that is overdue. We have so many other problems at the moment that are necessary to be solved at the moment, and I hope you will give consideration to the programs we offer in that regard because we are having a study made, and will offer you at the proper time a program of reorganization of State Government to aid in the cutting of costs of government.

In the matter of revenue sharing, briefly, we have granted revenue sharing (or you have as the Legislature) through categories. The Governor has had to allocate it based on the categories that you established in the last session of the Legislature. I would recommend that, for instance, in a couple of fields where one group has gotten $6 million a year and the parks, I believe, $4 million or so a year for capital outlay which is about completed, that you determine that that money should go to the Highway Department instead of going to these two

particular departments, who in my judgment can do without the funds.

We've been giving $6 million a year to education. I believe with the bond issue that you authorized in 1973 and the surplus that now exists in that fund, that this $6 million a year—instead of going to capital outlay projects in the field of education—should go to the Highway Department. I do believe that education, itself and her leaders, will agree with that because I've discussed this particular matter with them. We must continue to give revenue sharing to mental health because of the upgrading requirement of the Federal Court system and not only that but because it's humane and necessary. I mentioned a moment ago about the General Fund, the disabled, the blind, and the crippled and the poor and the mentally ill. Those are things we shall continue to do the best we can in the presentation of our budget to you.

And now another matter that I believe I want to discuss with you is the Governor's Cost Control Survey, of which we have implemented many of the recommendations that have resulted in either savings or the requirement that you do not provide extra money through the Legislature which, in effect, is savings for a certain department. For instance, the data computer matter will result in savings of an estimated $2 to $4 million a year when those recommendations are completed.

The Governor's Cost Control Survey said that space for various offices in this state was a problem that cut down efficiency in State Government. It has been a problem with your Governor, the matter of space in this town, for the simple reason that many departments when they find some space fight over who gets the space. With some spaces located on the bypass and some located beyond the broad reaches of the City, people who come to Montgomery have a hard time locating and finding where they ought to be. Now there is or has been a plan submitted and approved by a majority of the members of the Building Commission to build a State building some place three or four or five blocks down below to my left, and I believe that in round figures it would cost $30 to $35 million. In a 30-year period of financing, it would cost about $90 million and the care for the upkeep and so forth and the interest and other costs involved, I won't go into. I do not argue the merits and demerits of the cost. It may or may not be a fine business proposition. I am sure that those who supported it felt that it was a good business proposition for the State. I oppose that particular plan and I opposed it for two reasons. One reason was I felt that plans for a building of this sort should originate in the Legislature of Alabama. It should be determined by this body—both bodies, Senate and House—

not by one committee nor by the Governor of Alabama, to build a building that would cost in the beginning $30 to $35 million, and cost in a 30-year period $90 million.

Now if you desire that particular building, that's perfectly all right with me. I'm going along with the wishes of the Alabama Legislature, but I feel that that is your responsibility, not the responsibility of the Governor. If it was the renting of a small building for some department, that would be one thing. But when you build a building of that magnitude, then I think it is something that should come before the full body and the full membership of the Alabama Legislature. I opposed it on the second reason that I thought we should build our own State building and this was to be built by private individuals that that we should build our own building in the Capitol complex in keeping with the design of the buildings that now exist in the Capitol complex. Therefore, I bring this to your attention because I have not signed any agreement. There are some who say I have to sign and some say that I do not. That may have to be determined by the Courts, but I want to have the opinion of this legislature one way or the other. In some future session, this session or some other session, if the Legislature of Alabama decides it wants a private group to provide this building of this magnitude, I shall go along with you. If you want to build your own building as other buildings have been built in the past in the Capitol complex, then you should make that determination and not one committee nor the Governor of the State. I hope that you agree with that because I want you to handle that matter yourselves.

I want to say in conclusion that Alabama looks forward with eager anticipation to the work of this legislative assembly, and I believe that we are going to be working together to make Alabama a better place to live for all the people of our state. As I have said in the past and I say again, we want peace, harmony and tranquility, and we want all Alabamians to be able to work toward reaching the American dream of more peace and more prosperity.

And government is not supposed to do all things for all men or all women, but whatever the government can do and should do within the context of our philosophy it should do well. It should do it in the interest of all the people of Alabama.

I want to thank you, Governor Beasley, Speaker McCorquodale, and the members of the General Assembly for having invited me to address you and to say that I shall have my door open, as Governor, and shall work in harmony with you because as I said in the beginning, we are all going to need

all the resources at our command to meet the problems we face in this state.

Thank you very much, ladies and gentlemen.

ALABAMA LAWS

And Joint Resolutions

ORGANIZATIONAL SESSION 1975

Act No. 1 H.J.R. 15—Weeks

HOUSE JOINT RESOLUTION

TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES FOR MEMBERS OF THE LEGISLATURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the legislature shall be entitled to and shall be paid an additional twenty dollars per diem for expenses incurred in the performance of his duties for the duration of any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That this order shall take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution of Alabama of 1901.

Approved January 21, 1975

Time: 4:00 P.M.

Act No. 2 H.J.R. 2—Owens and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

COMMENDING SPEAKER SAGE LYONS

WHEREAS The Honorable Sage Lyons, Speaker of the House for the past four years, has performed the duties of his office with distinguished ability and unswerving dedication; and

WHEREAS the exemplary patience, perseverance, concerted efforts and sense of fairness of Mr. Lyon's as Speaker of the House has earned for him the respect and affection of each member of this body; and

WHEREAS Mr. Lyons, who is a native and prominent young attorney of Mobile, graduated from Washington and Lee

University and earned his law degree from the University of Alabama; he is an army veteran and has long been actively engaged in progressive movements for the betterment of his locality and of the entire state; and

WHEREAS Mr. Lyons was named to a vacancy in the House from Mobile in 1969 and was returned for a full term in 1971 at which time he was elected Speaker of the House; his career as a public servant has been distinguished by his integrity and honesty, his insight and efficiency, and his sound, impartial and fair judgment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend Mr. Lyons for his outstanding leadership and guidance which he has so diligently provided during the past administration. His untiring efforts and valuable services which he has so generously contributed are deeply appreciated. We thank him for his many kindnesses and thoughtful considerations to the members of this legislature, and commend him for a job well done.

Approved January 21, 1975

Time: 4:30 P.M.

Act No. 3 H.J.R. 11—Lutz

HOUSE JOINT RESOLUTION

Be it resolved by the Alabama House of Representatives, the Senate concurring, that there be and hereby is established in Madison County, a Committee to be known as The Madison County Court Cost Study Committee, hereinafter called "the committee".

The committee shall be composed of the following persons: The Madison County Circuit Court Clerk; the Chief Clerk of the Madison County General Sessions Court; the Presiding Judge of the Circuit Court of Madison County, or another Circuit Judge designated by the Presiding Judge; the Presiding Judge of the General Sessions Court; the Madison County Judge of Probate; The Madison County Clerk-Auditor; The Director of the Madison County Legal Aid Society; The Madison County Sheriff, or a member of his staff to be designated by the Sheriff; the President of the Huntsville-Madison County Bar Association, or a member of the Association to be designated by the President; and the Madison County District Attorney or an Assistant

District Attorney to be designated by the Madison County District Attorney.

The Circuit Judge of Madison County serving on the Committee shall serve as Chairman of the Committee and he shall preside over all meetings. The committee shall make its own rules for the conduct of its business. The initial meeting of the committee shall be held at the call of the Chairman. All meetings of the committee shall be conducted in the Madison County Courthouse. The Chairman of the committee shall designate an employee of the Judicial Department of Madison County to serve as recording secretary. Members of the committee shall serve without compensation but the Madison County Commission is authorized to expend funds from the County General Fund for any reasonable and necessary expenses incurred by the Committee in the conduct of its business.

Immediately upon its organization, the committee shall undertake a detailed study of the existing system of Court costs levied in the Courts of Madison County and the utilization thereof. Said committee shall also make recommendations to the Madison County Legislative Delegation for such legislation, if any, that it deems necessary to establish reasonable and equitable Court costs in the Courts of said County and to provide for the utilization of said costs. Such recommendations shall be made in writing no later than May 6, 1975, at which time the committee shall cease to exist.

It is hereby declared to be the policy of the Alabama Legislature that in Madison County Court costs should not be used as a method of financing the operation of County government but that they should bear a reasonable relationship to the actual costs of litigation to the County and the committee is charged to consider this policy in making its recommendations.

Approved January 21, 1975

Time: 4:30 P.M.

Act No. 4 H.J.R. 12—McNair

HOUSE JOINT RESOLUTION

LAMENTING TORNADO DAMAGE IN JEFFERSON, SHELBY AND ST. CLAIR COUNTIES AND COMMENDING LAW ENFORCEMENT AGENCIES, RESCUE SQUADS AND OTHERS WHO HELPED IN THE EMERGENCY

WHEREAS, on Friday, January 10, 1975 communities in

Jefferson, Shelby and St. Clair Counties were severely battered by tornadoes of severe destructive force; and

WHEREAS, we wish to express our deepest sympathy to those who lost loved ones and sustained injuries to loved ones; and

WHEREAS, the Legislature knows of the terrific property damages to homes and businesses; and

WHEREAS, law enforcement agencies, rescue squads and others acted commendably and courageously in rushing to aid those in need during a period of emergency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to pledge our support and help in any way we may be able to assist the people in their time of need.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be sent to the governing bodies of Jefferson, Shelby and St. Clair Counties and the newspapers and radio and television stations serving the three tornado-struck counties.

Approved January 21, 1975

Time: 4:30 P.M.

Act No. 5 H.J.R. 13—McNair

HOUSE JOINT RESOLUTION

COMMENDING UNITS OF THE JEFFERSON COUNTY SHERIFF'S DEPARTMENT AND AMBULANCE SQUADS ON THEIR HANDLING OF THE EMERGENCY SITUATION CREATED BY THE EXPLOSION AT THE HERCULES POWDER COMPANY IN BESSEMER, AND EXTENDING SYMPATHY AND BEST WISHES TO THOSE INJURED.

WHEREAS an explosion occurred at the Hercules Powder Company in Bessemer, Alabama at approximately 6:30 this morning, January 14, 1975, injuring three persons and destroying two buildings; and

WHEREAS further injury to life and property was avoided by prompt and alert action by the Jefferson County Sheriff's Department and local ambulance units; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the above mentioned sheriff's department and ambulance units are

deserving of and are hereby extended the thanks and the highest commendation of the Legislature and the people of Alabama.

BE IT FURTHER RESOLVED That the legislature wishes to extend its sympathy and prayers for speedy and complete recovery to Timothy Anderson, A.W. Boswell, and William Gregg, who were injured in the explosion.

Approved January 21, 1975

Time: 4:30 P.M.

Act No. 6 H.J.R. 14—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 15, 1975, at 10:00 A.M.

AND BE IT FURTHER RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:00 A.M. January 15, 1975, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 5, 1974, as required by Section 115 of the Constitution of Alabama.

Approved January 21, 1975

Time: 4:30 P.M.

Act No. 7 S.J.R. 3—Fine

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution and the opening day of the regular session of the Legislature in May following, whose duty it shall be to make a careful investigation and study of the financial condition of the State, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided.

The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, the President Pro Tempore of the Senate, the Lieutenant Governor and four members of the Senate to be appointed by the Lieutenant Governor and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House and four members of the House to be appointed by the Speaker of the House. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio members of the Committee.

2. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means Committee shall be Vice Chairman. The Chairman of the Committee, or in his absence, the Vice Chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the committee's business and expedite its work. The Chairman of the Committee may employ such clerical, legal, technical, and expert assistance as the committee may find necessary in performing its duties.

3. The committee shall determine the amount to be paid employees, who shall be paid in accordance with Title 32, Section 13, Code of Alabama. The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

4. The final report of the committee, along with findings and recommendations, shall be submitted to the Governor no later than the fifth legislative day of the regular session. Upon the submission of the final report the committee shall stand dissolved.

Approved January 22, 1975

Time: 4:45 P.M.

Act No. 8 S.J.R. 4—Fine

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That

there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of two members of the House, to be appointed by the Speaker, and two members of the Senate, to be appointed by the Lieutenant Governor.

Approved January 22, 1975

Time: 4:45 P.M.

Act No. 9 S.J.R. 5—Fine

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That there shall be an Interim Fiscal Advisory Committee to the Governor, to be composed of the Speaker of the House, the Chairman of the House Ways and Means Committee, President of the Senate, the Chairman of the Senate Finance and Taxation Committee, and the Director of Finance. The Committee shall meet on call of the chairman, and may employ such employees as may be needed to carry out the purpose of the Committee. Members shall receive the regular per diem pay and allowances provided for legislators for each day spent on Committee business. The pay and expenses of the Committee and its assistants shall be paid from funds appropriated to the use of the Legislature in accordance with Title 32, Section 13, Code of Alabama. The President of the Senate shall serve as Chairman of the Committee, the Speaker of the House shall serve as Vice Chairman thereof.

Approved January 22, 1975

Time: 4:45 P.M.

Act No. 10 S.J.R. 6—Fine

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That there is hereby created a Joint Interim Fiscal Study Committee, hereinafter called "Committee."

a. The Committee shall be composed of the Speaker of the House, the President of the Senate, the Chairman of the

Senate Finance and Taxation Committee, the Chairman of the House Ways and Means Committee, the Senate President Pro Tem, the House Speaker Pro Tem, four members from the Senate to be appointed by the presiding officer of the Senate, and four members from the House to be appointed by the Speaker of the House. The Speaker of the House shall serve as Chairman of the Committee. The Legislative Fiscal Consultant shall serve as Secretary to said Committee.

b. The Committee shall meet at the call of the Chairman as soon as practicable following the adoption of this resolution. The Committee shall inquire into the fiscal status of the Departments and Agencies of the State of Alabama, specifically ascertaining with respect to such, the anticipated or projected cost of operation for the remainder of the 1974-75 fiscal year and also ascertaining whether or not available appropriations or anticipated revenues specifically allocated to such Departments and Agencies are adequate to cover such projected costs. Specific inquiry shall be made to ascertain whether any current activities or programs of the State must be curtailed or abandoned during the 1974-75 fiscal year due to nonavailability of funds. The Committee shall ascertain the present financial posture of those Departments and Agencies of the State of Alabama which in the Committee's judgment face unique and immediate financial difficulties or require special inquiry or investigation.

c. The Committee shall also be authorized to make inquiries as to future budgetary and fiscal matters affecting any Department, board, bureau, commission, office, institution, college, university, school board, or agency if the Committee feels that such action would assist the Senate Finance and Taxation Committee and the House Ways and Means Committee in their later deliberations.

d. The Committee may make any other fiscal or budgetary inquiry or investigation that it deems necessary or desirable.

e. All departments, boards, bureaus, commissions, agencies, offices and institutions of the State shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

f. The Chairman of the Committee created under this joint resolution shall be empowered to employ such clerical, legal, and stenographic assistance as may be necessary and with the cost of such to be paid as provided by Section 13, Title 32 of the Code of Alabama of 1940, as Recompiled.

g. The compensation of committee employees shall be paid as provided in Code 1940, Title 32, Sections 13 and 14. The members of the Committee shall be paid the same com-

pensation and expenses as provided them for legislative sessions to be paid in the same manner as such compensation and expenses.

h. The Committee shall prepare a written report of its findings and recommendations, which report shall be furnished to the Governor and to each member of the Legislature by no later than May 1, 1975, and such Committee shall stand discharged upon the submission of its final report. The Committee shall also make and file a preliminary report of its activities to the Governor and to the Senate Finance and Taxation Committee and the House Ways and Means Committee prior to February 12, 1975.

Approved January 22, 1975

Time: 4:55 P.M.

Act No. 11 S.J.R. 8—Edwards, Fine, Foshee, Gilmore, Jones, Littleton, Mitchell, Owen, Perry, Powell, Shelby and Stewart

SENATE JOINT RESOLUTION

CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE REGULATION OF PUBLIC UTILITIES IN ALABAMA.

WHEREAS the rates charged by public utilities within the State of Alabama have been going up at an astronomical rate; and

WHEREAS the general public is becoming vitally concerned and worried about the regulation of public utilities within this state; and

WHEREAS there is a loud and incessant demand on the part of the public for the legislature to study regulation and control of public utilities and public utility rate making within this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Interim Committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets and ramifications concerning the regulation of public utilities in this state.

The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. This joint resolution shall include investigation and study of the Public Service Commission.

Approved January 22, 1975

Time: 4:55 P.M.

Act No. 12 S.J.R. 9—McMillan

SENATE JOINT RESOLUTION

CREATING AN INTERIM STUDY COMMITTEE ON IMPROVING THE CRIMINAL JUSTICE SYSTEM OF THIS STATE.

WHEREAS there is great and pressing need for a comprehensive study of the criminal justice system in the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study any improvements that can be made in the criminal justice system of Alabama. Such committee shall be composed of five members of the Senate and six members of the House of Representatives to be appointed by the presiding officer of their respective houses. The committee chairman shall be named by the presiding officer of the Senate and the committee vice chairman shall be named by the presiding officer of the House. Six members of the committee shall constitute a quorum to transact business.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Approved January 22, 1975

Time: 4:55 P.M.

Act No. 13 S.J.R. 13—Jones, S. McDonald, Perloff, Baker, Littleton, Fine, A. McDonald, Givhan, Shelby, Mims, Mitchell, Owen, Bank, Vacca, Weaver, Powell, Clemon, Flippo, St. John, Edwards, Gilmore, Foshee, Wilson, King, Ellis, Torbert, Stewart, Noonan and Lt. Governor Jere Beasley

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ALFRED WILLIAM STEINEKER, JR.

WHEREAS the State of Alabama suffered a distinct loss in the death of one of its most valued career employees, Mr. Alfred William Steineker, on January 8, 1975; and

WHEREAS Mr. Steineker, who was affectionately known as "Al" to his host of friends and admirers, had been employed by the Department of Examiners of Accounts since 1956, had been Chief Examiner since October 1, 1968 and had recently been reappointed to another seven year term to that office; and

WHEREAS Mr. Steineker was widely recognized as a man of uncommon ability, with complete and unquestioned integrity and known for his willingness to help others in need of his assistance; and

WHEREAS Mr. Steineker served his country with valiance and distinction for three and one-half years in World War II, during which time he was severely wounded in battle and was subsequently discharged from service with the rank of first lieutenant; and

WHEREAS Mr. Steineker was a loyal alumnus of the University of Alabama having graduated from that institution with a bachelor of arts degree in accounting in 1954; and

WHEREAS Mr. Steineker is survived by his wife, Mrs. Catherine Norton Steineker; two daughters, Helen Jean and Anita; two sons, Alfred William III and Clarence Arthur; his mother, Mrs. Anita S. Steineker, all of Montgomery; a number of other relatives and a host of friends who mourn his death; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mr. Alfred William Steineker, Jr. and extend our sincere and heartfelt sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 14 S.J.R. 14—Waldrop

SENATE JOINT RESOLUTION

CONGRATULATING ALABAMA TECHNICAL COLLEGE ON ITS FIFTIETH ANNIVERSARY.

WHEREAS, the Legislature of Alabama does hereby congratulate the Alabama Technical College, formerly known as the Alabama School of Trades, in the year in which it will attain its fiftieth anniversary of serving the people, industry and businesses and enhancing the knowledge, skills and income of the people of this state through those fifty years, and

WHEREAS, the Alabama Technical College was the first school of trades in the State of Alabama, having opened its doors on September 14, 1925, in the City of Gadsden, Etowah County, Alabama, and serving not only Etowah County but all of the counties of Alabama in a far-sighted concept that has raised higher the skills of Alabamians, along with income, and provided available skills for existing and new industry in the state since its inception, and

WHEREAS, the Alabama Technical College was the first state supported and operated trade school south of the Mason-Dixon line; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

they do congratulate the Alabama Technical College, its president, faculty and employees, and all those who have worked in the past to make the Alabama Technical College a shining example among vocational schools in this nation.

BE IT FURTHER RESOLVED, That by these presents the Legislature of Alabama wishes the eternal continuation of this noble institution and its fine work.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the President, Mr. Robert W. Howard.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 15 S.J.R. 15—Mitchell

SENATE JOINT RESOLUTION

JOINT RESOLUTION TO CREATE A JOINT INTERIM ECONOMIC STABILITY STUDY COMMITTEE

WHEREAS, the State of Alabama is a "borrower" or a capital deficient state and does not at present generate sufficient savings or other investment moneys to sustain and finance its normal economic growth, and

WHEREAS, such economic growth is essential to the well-being of all its citizens through creation of new jobs and with the expansion of agricultural and industrial development, and

WHEREAS, there is now something which approximates a national money market which effects interest rates on a national basis by the operation of several factors, among the more significant of which are the available supply of money and the demand therefor. This supply of money comes from individual savers and investors, as well as institutional investors, businesses and others supplying capital. Such capital must be induced — it cannot be forced. To a substantial degree, prevailing national rates of interest regulate and control the ability to attract to and retain in Alabama funds necessary to sustain economic growth in this State and to increase the standard of living of all our citizens, and

WHEREAS, it is essential that the Legislature of Alabama be fully informed as to whether Alabama's usury laws impose a ceiling below the national money market;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That there is hereby created a Joint Interim

Economic Stability Study Committee, hereinafter called "Study Committee."

(a) The Study Committee shall be composed of four members of the State Senate to be named by the Lieutenant Governor, one of whom shall be designated to serve as chairman and five members of the House of Representatives to be named by the Speaker of the House, one of whom shall be designated as vice-chairman.

(b) The Study Committee shall meet at the call of the chairman as soon as practicable following the adjournment of the Organizational Session of the Legislature in January of 1975 and shall inquire into the entire economic climate of the State of Alabama as it relates to interest rates and usury statutes. Specific inquiry shall be made to determine whether or not sufficient credit is available to the consuming public of Alabama.

(c) The committee shall consider and study the need for interest rate legislation and shall make recommendations to the legislature and propose legislation in this area.

(d) The Study Committee shall prepare a written report of its findings and proposed legislation to the Governor and to each member of the Legislature by no later than May 1, 1975, and such Study Committee shall stand discharged upon submission of its written report.

(e) The pay of the members of the committee shall be the same as their regular legislative per diem and the expense allowance for each day while in the attendance of committee meetings to be computed as set forth in the Code of Alabama. The pay and expenses of the committee and its assistants shall be paid from funds appropriated to the use of the Legislature.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 16 S.J.R. 16—King, A. McDonald, and Baker

SENATE JOINT RESOLUTION

NAMING THE DUAL BRIDGES LOCATED IN HUNTSVILLE ON U. S. HIGHWAY 431, MEMORIAL PARKWAY THE "VETERANS OF FOREIGN WARS BRIDGES."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the dual bridges located in Huntsville, Madison County, Alabama on

U. S. Alabama 431, Memorial Parkway be designated, named and known as the "Veterans of Foreign Wars Bridges," as a fitting tribute to all those who have served their country on foreign soil and foreign waters.

BE IT FURTHER RESOLVED That the Director of the State Highway Department shall cause appropriate signs and markers to be erected.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 17 S.J.R. 17—Jones, Mitchell and Powell

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MANFORD ENOCH FURR

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of M. E. Furr while courageously attempting to protect his fellowman on October 12, 1974; and

WHEREAS, M. E. Furr served his fellow citizens of Montgomery as a policeman from December 15, 1946, until his retirement April 30, 1970; and

WHEREAS, M. E. Furr exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS, M. E. Furr took a lively interest in the civic and religious life of his community; and

WHEREAS, M. E. Furr's courage and devotion brought honor to himself and to law enforcement; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do pass this resolution as a memorial honoring M. E. Furr for his outstanding services to the City of Montgomery and to the State of Alabama and that we extend our deepest sympathy to his wife and daughter on this occasion of their great loss.

Be it resolved that copies of this resolution be sent to Mr. Furr's widow and daughter.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 18 S.J.R. 18—Mims, Flippo, Fine, Edwards, St. John, Wilson, A. McDonald, King, Baker, S. McDonald, Waldrop, McMillan, Vacca, Pearson, Ellis, Clemon, Shelby, Gilmore, Littleton, Weaver, Stewart, Little, Torbert, Perry, Adams, Foshee, Powell, Jones, Mitchell, Givhan, Bank, Owen, Perloff, Noonan, Roberts and Lt. Gov. Beasley

SENATE JOINT RESOLUTION

HONORING MRS. MABEL AMOS UPON HER RETIREMENT FROM PUBLIC LIFE

WHEREAS, Mrs. Mabel Amos, affectionately known to her thousands of friends as "Miss Mabel" is retiring from public life after 8 years as a State employee, 28 years of service in the Governor's office and 8 years as Secretary of State, and

WHEREAS, "Miss Mabel's" youthful outlook, vivacity and warm personality will be greatly missed in the State Capitol, and

WHEREAS she has always contributed generously of her time, talent and means to her state, her fellow citizens and to the Governors she served so long and faithfully, viz: Governor Frank Dixon, Governor Chauncey Sparks, Governor Jim Folsom (twice), Governor Gordon Persons, Governor John Patterson and Governor George C. Wallace, and

WHEREAS she has made many innovations and improvements in the office of Secretary of State, and

WHEREAS she will be most sorely missed for the wit and personal charm she lavishly bestowed upon all who came near her, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do thank her for her long and faithful service to her fellow man and the State of Alabama and wish her a long, happy and richly deserved retirement.

BE IT FURTHER RESOLVED that the Secretary of the Senate deliver a copy of this Resolution to Mrs. Mabel Amos as a token of the love and affection for her shared by the members of this body and the people of Alabama.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 19 S.J.R. 19—Jones, Mitchell and Powell

COMMENDING PATROLMAN BILLY VENERABLE

WHEREAS Montgomery Patrolman Billy Venable was shot and wounded in a gun battle at St. Jude's Hospital on January 4, 1975 when he attempted to apprehend a drug addict who was holding the hospital's chief pharmacist and a female assistant as hostage at gun point; and

WHEREAS Patrolman Venable, who was the first officer on the scene when police were called by hospital personnel, exercised sound judgment and intrepid courage in maneuvers which freed the hostages from danger; and

WHEREAS the would-be assassin was subsequently captured after he opened fire on Patrolman Venable, shooting him once in the thigh and grazing him on the head in an exchange of gun fire in which Mr. Venable exhibited fearless courage; and

WHEREAS Mr. Venable, who is the son of Mr. and Mrs. C. M. Venable of Hope Hull, is a native of Montgomery County and graduated from Hayneville High School, after which he entered the service of his country, fought with distinction and honor in Vietnam where he was wounded in battle in February 1968 and for which he was awarded the Purple Heart; and

WHEREAS Mr. Venable has been with the Montgomery Police Force for approximately five years and had been married to the former Miss Terry Waldrop for only thirteen days at the time he was wounded while on duty as a patrolman; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Patrolman Venable for his quickness of action, his proven bravery and his dedication to duty; and we wish for him and his pretty bride all happiness and success in the future.

RESOLVED FURTHER That copies of this resolution be sent to Mr. and Mrs. Venable and to Mr. Ed Wright, Chief of the Montgomery Police Force, and to his parents, Mr. and Mrs. C. M. Venable.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 20 S.J.R. 21—Waldrop

SENATE JOINT RESOLUTION

DECLARING THE WEEK OF FEBRUARY 9-15, 1975, INTERNATIONAL CIRCLE K WEEK IN ALABAMA.

WHEREAS, Circle K Clubs are the college division of the Kiwanis International; and

WHEREAS, Circle K Clubs are outstanding groups of collegiates dedicated to fellowship and public service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of February 9-15, 1975 be designated as Circle K Week in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Lonnie Greene of the Circle K Club of Gadsden State Junior College, to President A. D. Naylor of Gadsden State Junior College, to the Gadsden Times, to Radio Stations WAAX, WGAD, WJBY, and WQEN, to the Kiwanis Club of Gadsden, and to Mrs. Callie Waldrop, Faculty Adviser.

Approved January 22, 1975

Time: 5:00 P.M.

Act No. 21 H.J.R. 17—Crowe

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Joint Session of the House and Senate be held at 11:00 a.m. on January 21, 1975, for the purpose of hearing the message of the Honorable George Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved January 22, 1975

Time: 5:10 P.M.

Act No. 22 H.J.R. 18—Mitchem

HOUSE JOINT RESOLUTION

RE-CREATING THE JOINT INTERIM COMMITTEE ON AGRICULTURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there shall be a joint interim committee on agriculture to meet on call of its chairman during the interim between the date of passage of this resolution and the tenth legislative day of the 1975 regular legislative session, which shall make a study of the condition of agriculture in the state, hold hearings, inquire into ways and means of improving agriculture, agricultural marketing, and business and industry based on agriculture in the state, and report its findings, conclusions, and recommendations to the Governor and to each house of the Legislature not later than the tenth legislative day of the 1975 Regular Session.

The committee shall consist of the members of the House Committee on Agriculture and the members of the Senate Committee on Agriculture. The chairman of the House Committee on Agriculture shall be chairman of the interim committee and the chairman of the Senate Committee on Agriculture shall be co-chairman of the interim committee. The chairman of the committee, with the approval of the co-chairman, shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed five thousand dollars, inclusive of per diem legislative pay and travel expenses. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

Any and all prior interim committees on agriculture are hereby abolished.

Approved January 22, 1975

Time: 5:10 P.M.

Act No. 23 H.J.R. 20—Quarles

HOUSE JOINT RESOLUTION

RECOGNIZING CERTAIN COUNTIES AS DISASTER AREAS AS A RESULT OF RECENT TORNADOES

WHEREAS tornadoes struck Jefferson, Shelby, St. Clair, Cleburne, Macon, Lee, Bullock, Choctaw, Washington, and Baldwin Counties last week causing death, injury and widespread destruction throughout these areas; and

WHEREAS the Legislature wishes to encourage President Gerald Ford to declare these areas disaster areas in order that they might be eligible for federal aid; and

WHEREAS the Legislature wishes to express its concern to the people of these areas for their deprivation and suffering; and

WHEREAS the Legislature wishes to commend the Red Cross, Salvation Army, rescue squads and many other agencies that assisted the survivors in these disaster areas; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do request President Gerald Ford to declare the counties of Jefferson, Shelby, St. Clair, Cleburne, Macon, Lee, Bullock, Choctaw, Washington, and Baldwin disaster areas as the result of tornadoes and high winds that occurred last week and make them eligible for appropriate federal aid, and disaster relief monies.

BE IT FURTHER RESOLVED That we do express our concern to the people of these areas over the loss of loved ones and wish those who were injured a speedy recovery.

BE IT FURTHER RESOLVED That the Legislature does express its thanks to the Red Cross, the Salvation Army, the many rescue squads, police units and fire departments in these areas who so nobly and ably assisted the victims of these disasters.

The Clerk of the House is directed to send a copy of this resolution to the President of the United States and to the daily and weekly newspapers, radio stations and television stations located in the above-named counties.

Approved January 22, 1975

Time: 5:10 P.M.

Act No. 24 H.J.R. 21—Turnham

HOUSE JOINT RESOLUTION

Commending the First Lady of Alabama and others for their example in encouraging family vegetable gardening and

authorizing and encouraging the State of Alabama, its departments, agencies, and political subdivisions, to make land available for family vegetable gardening.

Whereas the United States and the international community are suffering from the twin ravages of inflation and recession;

The President of the United States has asked us to Whip Inflation Now;

One of the tools which every family can use in the battle against inflation and recession is a family vegetable garden;

The Superintendent of Education and Alabama schools have pioneered in the use of demonstration gardens in schools to teach family vegetable gardening.

The First Lady of Alabama has set a fine example by planting a demonstration garden at the Governor's Mansion to encourage Alabamians to garden;

The Alabama Educational Television Network carried the story of the First Lady's garden to the school children of Alabama;

The Legislature of Alabama has in the sessions of 1967 and subsequent years encouraged Alabamians to plant family vegetable gardens to fight inflation;

The Extension Service in Alabama has rendered expert aid to families asking for help in family vegetable gardening;

The Congress of the United States has set national policy by urging citizens to plant family vegetable gardens to fight inflation, promote nutrition, gain exercise, and enjoy togetherness;

The State of Alabama and its agencies and political subdivisions have available land which can be utilized by families with a need for land for family vegetable gardening;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, THAT

The First Lady of Alabama is commended for setting an example by planting a family vegetable garden;

The Superintendent of Education and schools of Alabama, the Alabama Educational Television Commission, the Extension Service and State Vocational Department are commended for encouraging and teaching family vegetable gardening;

The departments, agencies, and political subdivisions of

the State of Alabama are authorized and urged to make suitable land of theirs available for family gardening and to encourage citizens of Alabama to engage in family vegetable gardening on available land;

The Secretary of State is requested to send copies of this Resolution to each newspaper, magazine, radio station, and television station in Alabama;

The Secretary of State is requested to send copies of this Resolution to each department and agency of the State, and to each county and city governing body, with the request that it be further distributed to agencies of the counties and cities.

The Secretary of State is requested to send copies of this Resolution to the First Lady of Alabama, to the Superintendent of Education, to the Alabama Educational Television Commission, the Extension Service, and the State Vocational Department.

Approved January 22, 1975

Time: 5:10 P.M.

Act No. 25 H.J.R. 22—Turnham, Morris, Baker, McNair, Smith, Monroe

HOUSE JOINT RESOLUTION

CREATING A COMMITTEE FOR STUDYING A UNIFORM SYSTEM FOR REPORTING AND INVESTIGATING DEATHS.

WHEREAS in the State of Alabama, an annual average of 5,500 persons die without the attendance of a physician and whose deaths are certified without proper investigation; and

WHEREAS a great need exists for a new and adequate system for reporting and investigating such deaths uniformly throughout the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to be composed of five members of the House, to be appointed by the Speaker of the House, and four members of the Senate, to be appointed by the President of the Senate, to study a uniform system for reporting and investigating deaths.

As soon as practicable after their appointment, members of the committee shall meet and appoint a chairman and vice

chairman from among their number. Thereafter the committee shall meet upon the call of its chairman or upon the call of a majority of its members at such time and place as may be designated in the call.

It shall be the duty of the committee to study the method of investigation and manner of certification of deaths within the State of Alabama which study shall include but not be limited to deaths without a doctor's attendance, accidental death, homicide, suicide and natural causes for which there are no adequate facilities or means for determination presently provided.

Members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are actually engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

The committee shall report its findings, conclusions and recommendations to the legislature as soon as practicable, but not later than the tenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved.

Approved January 22, 1975

Time: 5:10 P.M.

Act No. 26 H.J.R. 23—Hill

HOUSE JOINT RESOLUTION

CREATING AN INTERIM COMMITTEE TO STUDY THE LEGISLATURE EXPENSE ALLOWANCE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of the members of the House Rules Committee and the members of the Senate Rules Committee to study the question of and to make recommendations to the legislature concerning the need for an increased expense allowance for members of the legislature. The committee shall file a report as to its finding and recommendations with both houses of the legislature.

Approved January 22, 1975

Time: 5:10 P.M.

Act No. 27 H.J.R. 24—Callahan

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION TO THE MOBILE STUDENT SYMPHONY FOR 1974 CHRISTMAS PROGRAM.

WHEREAS the Mobile Student Symphony under the able direction of Mr. Harry Thomson, conductor, presented an unusually beautiful and meaningful program of Christmas music to members of the legislature assembled in orientation session on December 12, 1974; and

WHEREAS this Student Symphony which was formed in 1953 and has been conducted by Mr. Harry Thomson since 1955, is funded by the Allied Arts Council of Metropolitan Mobile, and annually performs for hospitals, schools and other public agencies; and

WHEREAS this symphony orchestra is composed of students who attend one of sixteen separate public, private and parochial schools in the Mobile area who, through their love and devotion to music and long hours of dedicated work, have been brought together under the inspired leadership of Mr. Thomson; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to thank the Mobile Student Symphony and Mr. Thomson for the program of beautiful and inspirational Christmas music which they so generously presented in the Capitol this past December. We commend them for their talent, skill and dedication and wish for them every success during this year and in the future.

RESOLVED FURTHER that copies of this resolution be sent to members of the Mobile Student Symphony and to Mr. Thomson.

Approved January 22, 1975

Time: 5:10 P.M.

Act No. 28 H.J.R. 25—Greer, Coburn, Hill

HOUSE JOINT RESOLUTION

COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS the Lauderdale County High School football

team won the state 2A championship for the past year with an outstanding 13 win 1 loss record; and

WHEREAS the Lauderdale County High School football team worked diligently, long and hard to achieve the outstanding record. The team ran, blocked, passed, and tackled with spectacular ability; and

WHEREAS Coach Earl Grisham and his assistant coaches Ray Hester and Travis Butler are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Lauderdale County High School football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, E. F. Cagle, head coach Grisham, his assistant coaches and to each team member.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 29 H.J.R. 27—Crowe

HOUSE JOINT RESOLUTION

AMENDING JOINT RULE NO. 12 WHICH REQUIRES UNDERSCORING AND STRIKING THROUGH SO AS TO EXEMPT LOCAL BILLS AND POPULATION BASED BILLS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule No. 12 of the two houses of the Legislature of Alabama, adopted by S.J.R. 1 of the 1975 Organizational Session, be amended by the addition of a subsection (d) to read as follows:

"(d) The provisions of this rule shall not apply to local bills or general bills of local application on a population basis."

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 30 H.J.R. 28—Turnham, Carothers, Smith (C), Whatley, Higginbotham, Smith (M)

HOUSE JOINT RESOLUTION

COMMENDING THE AUBURN UNIVERSITY FOOTBALL TEAM AND COACH RALPH (SHUG) JORDAN.

WHEREAS The Auburn University football team completed another successful season in 1974 despite an extremely tough schedule; and

WHEREAS Auburn finished the regular season with a 9 to 2 win, loss record by defeating some of the strongest teams in the Southeastern Conference as well as others outside the conference, lost only two games which they might have won except by a twist of fate, and climaxed the season with an outstanding 27 to 3 victory over the Texas Longhorns in the Gator Bowl by scoring in every possible way in which scores can be made in a football game; and

WHEREAS Auburn University's Coach Shug Jordan consistently fields outstanding and exciting teams well versed in fundamentals and sharpened with quickness and speed in execution; and

WHEREAS Auburn's football team is well known for its sportsmanship and for its unusual dedication, desire and ability to use the full extent of its many talents; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Auburn University's football team for its successful season of 1974 and we commend Coach Ralph (Shug) Jordan and his staff for their inspirational leadership and coaching skill.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Auburn football team and to Coach Jordan.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 31 H.J.R. 30—Holmes and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

WHEREAS many native Alabamians have demonstrated their athletic ability in sports arenas across the world; and

WHEREAS Hank Aaron, a native of Mobile, while playing for the Atlanta Braves, has surpassed Babe Ruth's lifetime record of 714 home runs; and

WHEREAS Hank Aaron did further set a new lifetime home run record of 715 home runs; and

WHEREAS Hank Aaron did continue to belt home runs to leave his lifetime home run record at 733 at the end of last season; and

WHEREAS Hank Aaron in the upcoming season will start his 22nd year of an outstanding baseball career which is a tribute to his stamina and his past success on the field; and

WHEREAS Hank Aaron is an example on and off the field to countless young players and fans who admire and respect him; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Hank Aaron on a brilliant baseball career and does wish him continued success both on and off the field.

BE IT FURTHER RESOLVED, That Hank Aaron be extended a hearty invitation to visit a Joint Session of this Legislature whenever possible.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Hank Aaron.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 32 H.J.R. 32—Wyatt, Barron, Harris, Plaster

HOUSE JOINT RESOLUTION

WISHING CAPITOL GUARD JOHN SCOTT A SPEEDY RECOVERY.

WHEREAS Capitol Guard John Scott has long been known to members of the Alabama Legislature as the guard in charge of the large parking lot directly in the rear of the Capitol; and

WHEREAS officer John Scott has always been known to us as "the happy warrior" because of his smiling countenance and his happy greetings and words of cheer to all members of the Legislature and to his fellow state employees; and

WHEREAS officer Scott recently underwent an operation for surgery on one of his lungs; and

WHEREAS officer Scott is now recovering in Jackson Hospital; and

WHEREAS this resolution is but a small token we wish to send to officer Scott for the love and sympathy expressed on his behalf by the Legislature and his state co-workers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do honor Capitol Guard John Scott for his long and faithful service, his smiling countenance and many acts of kindness to his fellowman and we do wish him a swift and speedy recovery.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 33 H.J.R. 33—Falkenburg, Waggoner, Biddle, Armstrong, Jolly, Hilliard, Leonard, Andrews, Trammell, Moore (O), White, Gafford, Howard, Hopping, Porter, Hall, Tucker, Boles, McNair, Harrison, Jackson (R).

HOUSE JOINT RESOLUTION

PAYING TRIBUTE TO HONORABLE W. COOPER GREEN FOR HIS MANY YEARS OF DISTINGUISHED SERVICE TO THE STATE OF ALABAMA

WHEREAS, on January 20, 1975, Honorable W. Cooper Green, as President of the County Commission of Jefferson County retired, after ten years of distinguished public service in that position; and

WHEREAS, Mr. Green's illustrious career as a public official began when he entered the Alabama House of Representatives in 1931; and

WHEREAS, President Roosevelt appointed Mr. Green as Postmaster of Birmingham; and

WHEREAS, the people of Birmingham proclaimed Mr. Green's excellent record as their Postmaster by electing him as their Mayor; and

WHEREAS, Mr. Green served as Mayor of Birmingham for 13 years, being re-elected three times, and

WHEREAS, Mr. Green served as President of the Alabama League of Municipalities from 1950 to 1953, and as President of the United States Conference of Mayors from 1947 to 1950; and

WHEREAS, in 1947 the President of the United States appointed Mr. Green as one of the three American mayors to plan relief for the war-torn cities of Europe; and

WHEREAS, while serving as Mayor of Birmingham, Mr. Green resigned to accept the position of a Vice-President of the Alabama Power Company; and

WHEREAS, Mr. Green, for nearly ten years, has faithfully served with distinction as President of the County Commission of Jefferson County, giving freely of his remarkable talents and energies; and

WHEREAS, Mr. Green's dedication to the establishment of a hospital in Jefferson County to provide care and treatment for the indigent was a powerful force in the establishment in that County of Mercy Hospital, which provides such treatment and care; and

WHEREAS, the Legislature of Alabama desires to honor Mr. Green for his many years of public service to the people of Jefferson County and of Alabama, and especially for his noble work for the establishment of Mercy Hospital;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the great hospital in Jefferson County, now known as Mercy Hospital, be named, and it is hereby named, The Cooper Green Hospital.

BE IT FURTHER RESOLVED That the Legislature express, and the Legislature does hereby express, to Mr. Green and his wife, the wish for their continued happiness.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Honorable W. Cooper Green and his family.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 34 H.J.R. 35—Baker, Turnham, Smith, (M), Whatley, Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING CHATTAHOOCHEE VALLEY STATE COMMUNITY COLLEGE AND STAFF FOR THE RAPID GROWTH AND ACCOMPLISHMENTS DURING THE PAST YEAR.

WHEREAS, Chattahoochee Valley State Community College originated in January, 1974; and

WHEREAS, in the short period of one year the enrollment has grown to a number in excess of fourteen hundred students; and

WHEREAS, it has been necessary to exercise prudence in the expeditious use of funds with the new institution being underfunded in relation to its rapid growth and size; and

WHEREAS, it has been necessary for the staff to assume many extraprofessional responsibilities and duties far beyond what could be expected, some tasks being almost impossible to perform; and

WHEREAS, tne utilization of temporary facilities was necessary in order to meet the needs of the burgeoning student body; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. Ralph Savage, President, Dr. John Vance, Dean and the professional and clerical staff of Chattahoochee Valley State Community College be commended for their outstanding leadership and contribution to the field of education in the State of Alabama.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 35 H.J.R. 36—Carothers

HOUSE JOINT RESOLUTION

COMMENDING THE DOTHAN HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDNG SEASON.

WHEREAS, The Dothan High School football Tigers completed a very successful season in 1974, compiling a record of 9 wins and 3 losses, and securing the number two ranking in the State 4-A division; and

WHEREAS The team played in the 4-A championship games under adverse conditions because half of the team was suffering from food poisoning; and

WHEREAS, despite this adversity, the Dothan Tigers displayed not only great technical skill in running, blocking, tackling, and passing, but the sportsmanship, determination and winning attitude that have earned the respect and admiration of the citizens of Dothan and all Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Coach Bobby Serman and the Dothan Tigers on their fine season and their determination in the face of adversity.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the principal of Dothan High School, the Head Coach Serman, his assistant coaches, each team member, and the Dothan Eagle.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 36 H.J.R. 37—Carothers

HOUSE JOINT RESOLUTION

COMMENDING THE ASHFORD HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON

WHEREAS, The Ashford High Yellow Jackets won the runner-up spot in the 2-A championship series for the State of Alabama with an outstanding 11 and 1 season in 1974; and

WHEREAS The Yellow Jackets worked diligently, long and hard to achieve this outstanding record. The team ran, blocked, tackled, and passed with spectacular ability; and

WHEREAS Coach Crawford Drake and his assistant coaches are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to any winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Ashford High School football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Principal, head coach Drake and his assistant coaches, each team member and the Dothan Eagle.

Approved January 23, 1975

Time: 4:00 P.M.

Act No. 37 S.J.R. 7—Flippo

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING:

There is hereby created and established a study and review committee to be known as State Auditing Committee which shall be composed of nine members, five of whom shall be members of the House of Representatives to be appointed by the Speaker of the House; four of whom shall be members of the Senate to be appointed by the Lieutenant Governor. The members shall elect from among the committee members a chairman, vice-chairman, and secretary.

The members of the committee created by this resolution shall receive no pay, but may be reimbursed for their reasonable and necessary out of pocket expenses in the performance of their duties.

The committee may employ and fix the compensation of such stenographic and clerical personnel, specialist and legal counsel as may be necessary to properly carry out its duties. The compensation of employees employed under the provisions of this resolution and any other expenses and allowances of the committee shall be paid out of the funds appropriated to the use of the Legislature.

The committee's study and review shall provide a broad overview of current status of auditing in Alabama government and recommended guidelines for future improvement; and the scope of such study and review shall consist of the following:

1. Study and review the existing governmental audit roles, responsibilities and interrelationships in all audit agencies of the State of Alabama including the office of State Auditor and Examiner of Public Accounts in order to:

a. Determine the present audit objectives and the extent to which they are being achieved;

b. Evaluate the present audit objectives and audit approaches and determine where modifications of either are appropriate; and

c. Suggest alternative means by which suggested changes may be implemented.

2. Study and review the audit-related recommendations within the Governor's Cost Control Survey, assess their sufficiency and admissibility, and develop an implementation plan.

3. Investigate the availability of federal and other assist-

ance in attaining the most efficient, economic and professional audit network possible within the state.

The committee shall make a final report of its study and review, and its recommendations to the Legislature not later than the tenth legislative day of the 1975 Regular Session thereof and shall be thereupon dissolved.

The provisions of this resolution are severable. If any part thereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved January 23, 1975

Time: 4:20 P.M.

Act No. 38 S.J.R. 11—Baker, Bank, Edwards, Jones, King, A. McDonald and Shelby

SENATE JOINT RESOLUTION

ESTABLISHING A JOINT SELECT COMMITTEE ON STATE CAPITOL BUILDING OFFICE SPACE.

WHEREAS, It has long been recognized by past legislatures that there was need for more space in the State Capitol Building and in the State Capitol complex for office space to house legislative and legislative service organization functions; and

WHEREAS, this need for legislative and legislative service organization office space has become even more acute in recent years; and

WHEREAS, there is great need to appoint a joint select committee on State Capitol Building office space for the purpose of securing and allocating additional space for the legislature and legislative service organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the presiding officers of the House and the Senate shall each appoint three members from their respective bodies to serve on a joint select committee on State Capitol Building office space for the purpose of securing and allocating additional space in the State Capitol Building and in the State Capitol complex for the use of the legislature and legislative service organizations. Said committee shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem to be necessary or desirable. Each member of the committee

hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends it attending committee meetings which shall be paid out of sums appropriated for the use of the legislature. The members of said committee shall choose from among themselves one member to serve as chairman.

Approved January 23, 1975

Time: 4:20 P.M.

Act No. 39 S.J.R. 23—Waldrop

SENATE JOINT RESOLUTION

COMMENDING THE GADSDEN STATE JUNIOR COLLEGE CIRCLE K CLUB FOR WINNING FIRST PLACE AS THE BEST CLUB IN CIRCLE K INTERNATIONAL AND THE AWARD FOR THE BEST SINGLE SERVICE PROJECT OF A CIRCLE K INTERNATIONAL CLUB.

WHEREAS, The Gadsden State Junior College Circle K Club has been awarded first place in competition to determine the best Circle K Club; and

WHEREAS, The Gadsden State Junior College Circle K Club was also recognized as performing the best single service project for work with cerebral palsy by Circle K International; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gadsden State Junior College Circle K Club be commended for its outstanding public service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to past president Linton Newlin of the Gadsden State Junior College Circle K Club, to President A. D. Naylor of Gadsden State Junior College, to the Gadsden Times, and to Radio Stations WAAX, WGAD, WJBY, and WQEN, Gadsden Kiwanis Club, and Mrs. Callie Waldrop, Faculty Adviser.

Approved January 23, 1975

Time: 4:30 P.M.

Act No. 40 S.J.R. 25—Fine

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF

REPRESENTATIVES CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special session in 1975.

Approved January 23, 1975

Time: 4:30 P.M.

Act No. 41 S.J.R. 28—Mitchell, Gilmore, Littleton, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, A. McDonald, S. McDonald, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF A. E. "BUD" GROUBY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Judge E. A. "Bud" Grouby; and

WHEREAS Judge Grouby was a devoted community builder who served his people with great ability as a city official of Prattville for thirteen years, a member of the House of Representatives from Autauga County for sixteen years, Autauga County Probate Judge for eight years; and

WHEREAS Judge Grouby was a prominent and influential leader in the civic, social, and religious life of his city, giving untiringly of his time and energy as a deacon in the Baptist Church, a Master Mason, past president of the Lions Club, member of the Woodmen of the World, Farm Bureau, Peace Officers, Cattlemen's Association, Prattville Downtown Unlimited, and the League of Aging Citizens; and

WHEREAS we shall miss this great leader whom we have long admired and respected and have been proud to call our friend throughout many years of close association; and

WHEREAS this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Judge E. A. "Bud" Grouby and express our deep and sincere sympathy to his widow, Mrs. Rose Grouby, and his family to whom copies of this resolution shall be sent.

Approved January 23, 1975

Time: 4:30 P.M.

Act No. 42 S.J.R. 29—Jones

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF TIMOTHY COX CARLTON

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Timothy Cox Carlton of Montgomery, Alabama; and

WHEREAS, Timothy C. Carlton was a devoted community builder who served as principal of Robert E. Lee High School with great love and dedication; and

WHEREAS, Mr. Carlton was a faithful member of the First Baptist Church of Montgomery, Alabama; and

WHEREAS, Mr. Carlton was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS, the Legislature wishes to honor the memory of such an outstanding citizen of this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the sincere regret of this body and our deep sympathy be extended to the members of the family of Mr. Carlton, and further that a copy of this resolution be sent to the members of the family of Mr. Carlton.

Approved January 23, 1975

Time: 4:30 P.M.

Act No. 43 S.J.R. 31—St. John, Foshee, Torbert, Weaver, Jones, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop and Wilson

SENATE JOINT RESOLUTION

WHEREAS, the Federal Highway Act as enacted by the Congress of the United States now provides for allocation of Federal Aid for Highway purposes to the several states on a fund-matching basis; and

WHEREAS, the Highway Trust Fund is a recipient of Federal Gasoline taxes which provide Federal Aid to highways on the aforesaid fund matching basis; and

WHEREAS, the present Federal Administration is contemplating a Federal Gasoline Tax increase to combat inflation and conserve energy; and

WHEREAS, due to present economic pressures and further due to Federal Tax structures and fund matching requirements can place the State of Alabama and the other several states in a position of not being able to match Federal Funds under their present tax structures and financial situations; and

WHEREAS, the Legislature of the State of Alabama cannot without extreme difficulty provide additional revenues to the Alabama State Highway Department in amounts sufficient to meet the requirements for matching funds available from the Highway Trust Fund.

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Legislature of the State of Alabama calls upon the Alabama Congressional delegation to originate and enact legislation, and to amend any and all laws necessary to provide Federal Aid to Highway funds to the State of Alabama and to the several states on a non-matching basis.

AND BE IT FURTHER RESOLVED

That the Legislature of the State of Alabama calls upon the Alabama Congressional delegation and the President of the United States to originate and enact legislation and to amend any and all laws necessary to provide that any additional revenues which may in the future arise out of a Federal

Gasoline Tax increase be returned to the states for highway construction on a non-matching basis.

Approved January 23, 1975

Time: 4:20 P.M.

Act No. 44 S.J.R. 33—Waldrop

SENATE JOINT RESOLUTION

CONGRATULATING THE EMMA SANSOM HIGH SCHOOL REBEL MARCHING BAND OF GADSDEN, ALABAMA ON ITS FORTHCOMING PARTICIPATION IN THE 48th ANNUAL SHENANDOAH APPLE FESTIVAL, AND APPOINTING THE BAND THE OFFICIAL REPRESENTATIVE OF THE STATE OF ALABAMA AT SAID FESTIVAL.

WHEREAS, The Emma Sansom High School Rebel Marching Band has proven itself numerous times as one of the finest bands in the south by winning three Veterans of Foreign Wars National band championships, many state and regional honors, and placing first an unprecedented five times in the "Greatest Bands in Dixie" contest; and

WHEREAS, The Rebel Band has been invited to participate in the 48th Annual Shenandoah Apple Blossom Festival on May 2nd and 3rd of this year, competing with over one hundred bands from throughout the nation; and

WHEREAS, The Rebel Band is the only Alabama band in memory to be invited to participate in this prestigious festival; and

WHEREAS, This invitation is the result of pride, dedication and many long hours of work on the part of the band members, sponsors, and supporters, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Emma Sansom High School Rebel Marching Band be commended for the level of excellence they have attained which has earned them the distinctive honor of being invited to participate in this festival.

BE IT FURTHER RESOLVED, That the Emma Sansom High School Rebel Marching Band is hereby appointed the official representative of the State of Alabama at the 48th Annual Shenandoah Apple Blossom Festival, taking with this office the best wishes and highest regards of the people of Alabama.

RESOLVED FURTHER, That copies of this resolution

be sent to the Emma Sansom High School Rebel Marching Band; Pat Marrow, the most capable director of said band; each member of the band; Max Newman, Principal of Emma Sansom High School; Emma Sansom High School Band Booster's Club; Mayor Steve Means of the city of Gadsden; Dr. Mort Glosser, Superintendent of Gadsden City Schools; Harry Sizemore, Chairman of the Etowah County Commission; and Bob "strike up the Band" Hope, Grand Marshal of the 48th Annual Shenandoah Apple Blossom Festival Parade.

Approved January 23, 1975

Time: 4:30 P.M.

Act No. 45 S.J.R. 34—Waldrop

SENATE JOINT RESOLUTION

COMMENDING THE GLENCOE HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 1973 STATE 2A CHAMPIONSHIP.

WHEREAS, the Glencoe Football team worked diligently, long and hard to achieve the following outstanding record in its winning of the 1973 2A Football State Championship:

Regular Season,	Glencoe 27	Blountsville	0
	Glencoe 64	Roanoke	23
	Glencoe 14	Hoak Bluff	0
	Glencoe 42	West Morgan	22
	Glencoe 27	Weaver	14
	Glencoe 42	Piedmont	7
	Glencoe 42	Sardis	0
	Glencoe 46	West End	6
	Glencoe 21	Southside	20
	Glencoe 28	Odenville	6
Playoffs,	Glencoe 25	Lauderdale Co.	22
	Glencoe 29	Holtville	21
	Glencoe 24	Florala	14

and

WHEREAS, Coaches Lyle Darnell, Jimmy Champion, Charles Tucker and Principal Harold Gautney are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and winning attitude displayed by the team members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we most heartily commend the Glencoe football team for its outstanding achievements.

BE IT FURTHER RESOLVED, That copies be sent to Principal Harold Gautney and to coaches Darnell, Champion, and Tucker, as well as to each team member.

Approved January 23, 1975

Time: 4:30 P.M.

Act No. 46 S.J.R. 35—Pearson, Ellis, McMillan, Gilmore, Wilson, Clemon, Littleton and Vacca

SENATE JOINT RESOLUTION

COMMENDING THE HOMEWOOD HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON

WHEREAS The Homewood High School won the state 4-A football championship for the past year with an outstanding 13 win and 1 loss record; and

WHEREAS the Homewood High Patriots worked diligently, long and hard to achieve this outstanding record. The team ran, blocked, passed, and tackled with spectacular ability; and

WHEREAS Coach Alvin Bressler and his assistant coaches are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Homewood High School football team for its outstanding record.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Principal of Homewood High School; Coach Bressler; his assistant coaches Dave Beason, Wayne Sheets, Jackie Clayton, David Jones, and Mike Miller; and to each team member.

Approved January 23, 1975

Time: 4:30 P.M.

Act No. 47 S.J.R. 38—Fine

SENATE JOINT RESOLUTION

CREATING AN INTERIM STUDY COMMITTEE ON THE PAY SCALE AND SALARY STRUCTURE OF STATE OFFICIALS, EMPLOYEES, CABINET MEMBERS AND LEGISLATORS.

WHEREAS there is a great and pressing need for a comprehensive study on the pay scale and salary structure of state officials, employees, cabinet members and legislators in the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the pay scale and salary structures of state officials, employees, cabinet members and legislators in this state. Such committee shall be composed of three members of the Senate and three members of the House of Representatives to be appointed by the presiding officer of each house. The committee shall select its own chairman and vice-chairman from among its membership and establish rules for the conduct of its business.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

Approved January 23, 1975

Time: 4:20 P.M.

MESSAGE OF GOVERNOR GEORGE C. WALLACE

TO JOINT SESSION OF THE ALABAMA LEGISLATURE

AT SPECIAL SESSION JANUARY 27, 1975

Gentlemen and Lady:

Today is an historic occasion for so many of you who for the first time are here assembled in a lawmaking session—and for both freshmen and veteran legislators alike, this day is significant in that we, the people of Alabama, are facing economic times which will test our resolve and fortitudes. I am confident that with your expressed cooperation, we shall solve the problems that are now facing us.

The urgent and necessary special circumstance which compelled me to call you into extraordinary session involves the problem with the General Fund in being able to support the essential functions of State government. We are faced with a shortage of funds in the amount of five or six million this year for Medicaid—a program which we must properly support for our poor and underprivileged. The prison system is badly in need of upgrading and improving, especially in the area of overcrowded conditions and employee benefits. The Tennessee-Tombigbee Waterway Development and our rapid increase in new and expanded industry dictate that the State Docks be modernized and equipped to meet these new challenges for the economic benefit for all of our citizens. This is not possible without a sound and solvent General Fund. Additionally, the hundreds of State employees are entitled to, and should receive, at least a cost of living raise, and more if possible.

All of these programs, and others, are supported by the General Fund, which we must maintain as a solvent and stable one—without additional tax burdens imposed upon our citizens. Toward this end, I have already proposed, and instructed my Cabinet Members and the agencies' heads to cut expenses, tighten belts, and begin a zero-budget program. Through my leadership I intend that this program be successful.

In addition to the initiative I have taken with the agencies of State government, I now have called you to assemble in this Special Session to propose legislation to further enhance the solvency of the General Fund. Simply stated, this legislation would entitle the State to receive the same interest rate on its time deposits in banks as do other customers on their deposits. This alone is projected to increase the amount of funds going into the General Fund by approximately five mil-

lion dollars, and possibly more, during a four year period; or approximately one-hundred thousand dollars per month, or more, without additional taxation. Let me state that I am not singling out, nor am I after, banks; and I am aware of their contributions to our citizens and businesses—and I am convinced that the overwhelming majority of our banks back this program and will support its passage.

I believe that this legislation is not such that will take extensive debate; not time, of the Legislature; and I placed only one subject in the call for this Special Session in order that you may focus your attention on this all important matter without being distracted by other ones at this time. The condition of the General Fund must come first so that we all can more soundly and intelligently solve other pressing needs in a later session.

I respectfully urge you to speedily enact this legislation for the longer you delay the longer will be the time for funding of the very essential functions of State government.

Respectfully,

George C. Wallace

Governor of Alabama

ALABAMA LAWS

And Joint Resolutions

SPECIAL SESSION 1975

Act No. 1 H. 15—Merrill, Callahan, Crowe, McCorquodale, Crawford, Plaster, Weeks, Coburn, Naramore, McNair, Robertson, McCluskey, Manley, Folmar, Riddick, Turnham, Smith (M), Rich, Owens, Drake, Reed, Falkenburg, Pegues, Campbell, Lockett, Jackson, Higginbotham, Whatley, Baker, Carothers, Williams, Dial, Teague, Edwards, Cross, Roberts, Martin, Moore (W), Carter, Lee, Clark, Johnson, Boles, Lutz, Hill, Goodwin, Warren, Ford, Leonard, Harris, Glass, Sonnier, Kennedy, Sandusky, Kinsey, McMillan, Hines, Malone, Cooper, LeFlore, McCulley, Wyatt, Sparks, Hopping, Hall, Shelton, Kelley, Brindley, Killian, Andrews, Trammell, White and McNees

AN ACT

To further amend Sections 3 and 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1, p. 336), as amended, to provide for the amount of state funds to be deposited in state depositaries in demand and deposits and in time deposit, open account, and to provide for the rate of interest to be paid on funds deposited in time deposit, open account.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1 p. 336), as amended, is hereby amended to read as follows:

"Section 3. The Commissioner of Revenue shall at least thirty (30) days prior to the effective date of contracts with state depositaries covering time deposit, open account, furnish to the State Director of Finance projections of the income payable into the state treasury on a monthly basis for the next succeeding three (3) calendar months of the interest period of such contracts. The Director of the Department of Finance shall at least thirty (30) days prior to the effective date of contracts with the state depositaries covering time deposit,

open account, determine the amount of funds estimated to be needed for all expenditures and payments out of the state treasury, computed on a monthly basis for the next succeeding three (3) calendar months of the interest period of such contracts. The Commissioner of Revenue and the Director of the Department of Finance are authorized to require such information and reports from all state departments, boards, commissions and agencies as may be necessary to carry out their respective functions under this section. The Director of Finance shall transmit this information to the State Treasurer who shall determine and compute the net minimum balance estimated to be available at any time during the period covered under such contracts for time deposit, open account, and shall report such determination and computation to the Director of the Department of Finance. The State Treasurer shall continuously study the cash flow of the State Treasury including all receipts and disbursements therefrom and shall make projections of the amount of funds required to meet the daily demands for expenditures for the State Government for the next succeeding three (3) calendar months and shall report such projected amount to the Director of the Department of Finance. The State Treasurer shall place such projected amount in demand deposit in designated state depositaries. All funds in excess of this amount shall be deposited in designated state depositaries in time deposit, open account. The amount is placed in time deposit, open account, shall be as great as operational obligations permit."

Section 2. Section 4 of Act No. 3, H. 64, 1967 Regular Session (Acts of Alabama 1967, Vol. 1, p. 336), as amended, is hereby amended to read as follows:

"Section 4. The State Treasurer is authorized to execute contracts with the state depositaries covering time deposit, open account, provided that no funds may be withdrawn from said account except upon thirty (30) days notice in writing or for the minimum period of time prescribed by applicable banking regulations then in force and effect. The annual rate of interest on time deposit, open account, shall be the average for the most recent four (4) weeks of the prices of the ninety-one (91) day United States treasury bill auction, provided, however, the rate shall not exceed the maximum permitted by applicable banking regulations."

Section 3. Nothing herein contained shall be construed to modify, amend or repeal the provisions of Act No. 66, general acts of Alabama, 1945, as now existing or hereafter amended, relating to investment in direct obligations of the United States of America registered in the name of the state treasurer.

Section 4. The provisions of this Act are severable. If

any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 31, 1975.

Time: 2:35 P.M.

Act No. 2 H.J.R. 2—Crowe

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved January 31, 1975

Time: 2:30 P.M.

Act. No. 3 H.J.R. 5—Crowe

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule No. 13 of the two houses of the Legislature of Alabama, as adopted at the organizational session of 1975 be and the same hereby is amended to read as follows:

"Rule No. 13. No bill amending an existing statute shall be introduced in the Legislature unless: (a) the subject of the bill, independent of references to code sections, is clearly expressed in the title, and (b) unless the material to be inserted is shown by underscored type, provided, however, that the provisions of 13 (b) shall not apply to local bills or general bills of local application on a population basis.

Approved January 31, 1975

Time: 2:30 P.M.

Act No. 4 H.J.R. 6—Coburn

HOUSE JOINT RESOLUTION

COMMENDING CONGRESSMAN BOB JONES FOR HIS LONG SERVICE IN THE U.S. CONGRESS AND FOR BEING NAMED CHAIRMAN OF THE HOUSE PUBLIC WORKS COMMITTEE.

WHEREAS, Congressman Bob Jones was elected to the 80th Congress and succeeding congresses beginning his term of service on January 28, 1947; and

WHEREAS, Congressman Jones was recently named chairman of the House Public Works Committee; and

WHEREAS, it is fitting that Congressman Jones be selected to this committee chairmanship for his ability in the halls of Congress and for his long and continued service to his constitutents and the nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Congressman Bob Jones for his long service in the U. S. Congress and for being named chairman of the House Public Works Committee.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Congressman Bob Jones.

Approved January 31, 1975

Time: 2:30 P.M.

Act No. 5 H.J.R. 7—Lutz

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT ALLEN CARPENTER OF NEW HOPE

WHEREAS, Robert Allen Carpenter has recently departed this life;

WHEREAS, Robert Allen Carpenter was an outstanding citizen of his community, having been elected Mayor of the Town of New Hope four times; and

WHEREAS, Robert Allen Carpenter was one of the most successful basketball coaches in the history of Madison County, having led the New Hope High School basketball team during approximately seventeen seasons of competition; and

WHEREAS, Robert Allen Carpenter was a high school teacher who touched the lives of many of Madison County's young people over a period of some twenty-seven years and inspired them in their personal as well as their academic endeavors; and

WHEREAS, Robert Allen Carpenter will be greatly missed by the people of Madison County, particularly in the area of New Hope,

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the passing of Robert Allen Carpenter and extend our deepest sympathy to his wife and his many friends.

Approved January 31, 1975

Time: 2:30 P.M.

Act No. 6 H.J.R. 8—Robertson, Johnson, Clark, Owens, Lee, Howard, Hopping

HOUSE JOINT RESOLUTION

CONGRATULATING MIKE MILLER ON HIS VICTORY IN THE 1974 NOVICE MINI-CYCLE NATIONAL CHAMPIONSHIP RACES.

WHEREAS, Mike Miller, the 13 year old son of Mr. and Mrs. Bobby Miller of Tuscaloosa, Alabama, competed in the 1974 Novice Mini-Cycle National Championship held under the rules and supervision of the Youth Division of the American Motorcycle Association; and

WHEREAS, Mike rode in 9 mini-cycle national races across the United States and won the championship title with 208 points over the second place rider; and

WHEREAS, this victory is the culmination of many years of sporting competition covering 4 years of Little League Football, 5 years of Little League Baseball, and 4 years of Church League Basketball, in which Mike has exhibited athletic excellence and good sportsmanship; and

WHEREAS, Mike is a young man with well-rounded interests who applies to these other interests that same effort and striving for excellence as he does to mini-cycle racing, maintaining a B average in school work, while remaining active

in water skiing, hunting, raising tropical fish, and attending the Rosedale Baptist Church; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to extend our heartiest congratulations to Mike on his outstanding achievement.

RESOLVED FURTHER, That a copy of this resolution be sent to Mike Miller.

Approved January 31, 1975

Time: 2:30 P.M.

Act No. 7 H.J.R. 10—Crowe

HOUSE JOINT RESOLUTION

Amend the Joint Rules of the two Houses by deleting Rule 5 in its entirety and inserting in lieu thereof the following:

"Rule 5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal."

Approved January 31, 1975

Time: 2:30 P.M.

Act. No. 8 S.J.R. 3—Pearson

SENATE JOINT RESOLUTION

NOTING THE RETIREMENT OF MRS. BESSIE SEARS ESTELL, AND COMMENDING HER FOR MANY YEARS OF COMPETENT AND DEDICATED SERVICE IN THE BIRMINGHAM CITY SCHOOL SYSTEM.

WHEREAS, the teaching profession is one of the most difficult and demanding of professions, and those rare individuals who earn the love and respect of both students and fellow educators for their competence, dedication, and insight are deserving of the highest praise this legislature can bestow; and

WHEREAS, Mrs. Bessie Sears Estell is one of those rare individuals, who, for 49 years, gave untiringly of her consider-

able teaching skills and knowledge of the human heart as well as the mind; and

WHEREAS, Mrs. Estell retired from teaching on June 15, 1974 after a career in which she served as a teaching principal since 1942, and as teaching principal at West Center Street School since 1970; and

WHEREAS, Mrs. Estell will be missed by her pupils, colleagues, and anyone interested in the education of the youth of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Mrs. Bessie Sears Estell for her invaluable contributions to education in Alabama, and extend our best wishes for a happy and fulfilling retirement.

BE IT FURTHER RESOLVED That we are heartened by the fact that Mrs. Estell is remaining active in community affairs as a member of Commissioner Tom Gloor's mini-cabinet, thus availing the citizens of Birmingham of the benefit of her wisdom and experience.

RESOLVED FURTHER, that a copy of this resolution be sent to Mrs. Bessie Sears Estell.

Approved January 31, 1975

Time: 2:30 P.M.

Act No. 9 S.J.R. 7—Foshee, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson

SENATE JOINT RESOLUTION

WISHING MRS. GEORGE CORLEY WALLACE A HAPPY BIRTHDAY.

WHEREAS this is the birthday of our beautiful and most gracious First Lady, Cornelia Ellis Wallace; and

WHEREAS Mrs. Wallace's radiant beauty, charm and vivacious personality have enhanced the lives of all those with whom she comes in contact and her sincerity and warmth have deeply impressed her ever-widening circle of friends and admirers; and

WHEREAS Mrs. Wallace is not only a lady of many talents, but she has also assumed her duties as First Lady of Alabama with such courage, poise and dignity as to make her a veritable inspiration to all of us; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to Mrs. Wallace all best wishes for the happiest of birthdays today and throughout the coming years.

Approved January 31, 1975

Time: 2:31 P.M.

Act No. 10 S.J.R. 8—Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson

SENATE JOINT RESOLUTION

EXTENDING BEST WISHES TO JOE MELTON ON HIS RETIREMENT

WHEREAS, Trooper Joe Melton will retire on Friday, January 31, from a career of thirty-six years in law enforcement; and

WHEREAS, Trooper Melton joined the Highway Patrol in 1939 as a motorcycle patrolman, served as security officer for Governor Chauncey Sparks, and was subsequently chosen to be administrator and instructor at the Alabama Police Academy for thirteen years; and

WHEREAS, He has been Chief of Security for the Legislature for four years, serving and protecting us with loyalty, integrity and dedication; and

WHEREAS, Trooper Melton will be sorely missed, his friendliness, honor and willingness to serve his fellow man

have earned for him the friendship and affection of us all; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Trooper Melton for his distinguished career of dedicated service to the State of Alabama.

BE IT FURTHER RESOLVED That we wish for our friend Joe Melton many years of health and happiness in his retirement.

Approved January 31, 1975

Time: 2:31 P.M.

Act No. 11 H.J.R. 12—Rich

HOUSE JOINT RESOLUTION

COMMENDING SOUTHSIDE HIGH SCHOOL BASKETBALL TEAM FOR WINNING 1975 ETOWAH COUNTY TOURNAMENT

WHEREAS, the Southside High School Basketball Team won the 1975 Etowah County Tournament due to their outstanding ability and play; and

WHEREAS, the team work diligently long and hard to achieve this outstanding feat; and

WHEREAS, Coach Rodney Thompson is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the Southside High School Basketball Team for winning the 1975 Etowah County Tournament held at Gadsden State Junior College.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the head coach and each team member.

Approved January 31, 1975

Time: 2:31 P.M.

Act No. 12 H.J.R. 13—Rich

HOUSE JOINT RESOLUTION

COMMENDING THE SAND ROCK "B" TEAM AND JUNIOR HIGH TEAM FOR WINNING THE 1975 CHEROKEE COUNTY BASKETBALL TOURNAMENT.

WHEREAS, the Sand Rock "B" Team and Junior High Team won the 1975 Cherokee County Basketball Tournament due to their outstanding ability and play; and

WHEREAS, the teams worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, the coaches are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the teams is reflective of their school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the Sand Rock "B" Team and Junior High Team for winning the 1975 Cherokee County Basketball Tournament.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coaches and each team member.

Approved January 31, 1975

Time: 2:31 P.M.

Act No. 13 **H.J.R. 14—Rich**

HOUSE JOINT RESOLUTION

COMMENDING THE SPRING GARDEN HIGH SCHOOL FOR WINNING THE 1975 CHEROKEE COUNTY BASKETBALL TOURNAMENT.

WHEREAS, the Spring Garden High School Basketball Team won the 1975 Cherokee County Basketball Tournament due to their outstanding ability and play; and

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, the coach is due much credit not only for the high degree of technical skill displayed in team play, but also

for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the Spring Garden High School for winning the 1975 Cherokee County Basketball Tournament.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the principal, the head coach and each team member.

Approved January 31, 1975

Time: 2:31 P.M.

Act No. 14 H.J.R. 15—McCluskey, Teague, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Weeks, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams Wyatt.

HOUSE JOINT RESOLUTION

EXPRESSING THE REGRET OF THE LEGISLATURE UPON THE DEATH OF CARL HESTON DIAL, THE FATHER OF OUR COLLEAGUE GERALD DIAL.

WHEREAS, the Legislature of the State of Alabama notes with regret the passing of Carl Heston Dial; and

WHEREAS, Mr. Dial work tirelessly for the betterment of his community and the county in which he lived; and

WHEREAS, he was a retired county commissioner of Clay County, having served 12 years; and

WHEREAS, his dedication to the principles of soil and water conservation was shown by his giving of much of his time and effort to that cause having served as Vice Chairman of the Clay County Soil and Water Conservation District Board of Supervisors from the time of its formation in 1960 until his death on December 17, 1974; and

WHEREAS, he was instrumental in the formation of the Ketchepedrakee Creek Watershed, the Crooked Creek Watershed, and the Coosa Valley Resource and Conservation Development Project; and

WHEREAS, Mr. Dial served as concessionaire of the Clay County Public Fishing Lake at Delta, Alabama, since its inception; and

WHEREAS, we shall miss this great leader whom we have long admired and respected and have been proud to call our friend throughout many years of close association; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the death of Carl Heston Dial and express our deep and sincere sympathy to his widow, Mrs. Ruth Dial, and his family to whom copies of this resolution shall be sent.

Approved January 31, 1975

Time: 2:33 P.M.

Act No. 15 H.J.R. 17—Morris

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES RAYFORD HARRINGTON

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of James Rayford Harrington of Alexander City on January 24, 1975; and

WHEREAS Mr. Harrington was a prominent and influential leader in the business and civic life of his city; and

WHEREAS Mr. Harrington exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Rayford Harrington and express our deep and sincere sympathy to his widow and his family to whom copies of this resolution shall be sent.

Approved January 31, 1975

Time: 2:33 P.M.

Act No. 16 H.J.R. 19—Wyatt

HOUSE JOINT RESOLUTION

COMMENDING THE SOUTH MONTGOMERY ACADEMY FOOTBALL TEAM FOR ITS FINE SEASON.

WHEREAS the South Montgomery County Academy Football Team has just completed one of the best seasons in the school history; and

WHEREAS the football team work diligently, long and hard to achieve the 8-2 record; and

WHEREAS the team ran, blocked, passed and tackled with spectacular ability, and

WHEREAS Coach John Faircloth and his helpers are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS we believe the actions of these fine young men on the football field are reflective of their school, faculty, parents and the good citizens of South Montgomery County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

do heartily commend the South Montgomery County Academy Football Team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coach and to each member of the team.

Approved January 31, 1975

Time: 2:33 P.M.

Act No. 17 H.J.R. 20—Wyatt

HOUSE JOINT RESOLUTION

COMMENDING THE MONTGOMERY COUNTY HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE CENTRAL ALABAMA CONFERENCE TITLE.

WHEREAS the Montgomery County High School Basketball Team won the Central Alabama Conference Title due to their outstanding ability and play; and

WHEREAS the team work diligently, long and hard to achieve this outstanding record; and

WHEREAS Coach Stewart is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the Montgomery County High School Basketball Team for winning the South Alabama Conference Title.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the head coach and each team member.

Approved January 31, 1975

Time: 2:33 P.M.

Act No. 18 H.J.R. 22—Kinsey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM F. (BILL) ANDERSON

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of William F. (Bill) Anderson, Director of the Division of Marine Resources of the Department of Conservation and Natural Resources; and

WHEREAS Bill Anderson was a native of Andalusia and had been a resident of Foley for the past 26 years; and

WHEREAS Bill Anderson served in the U. S. Marine Corps during World War II and won a battlefield commission with the First Marine Division in the Pacific Theater; and

WHEREAS Bill Anderson graduated from Auburn University in 1947 with a degree in business administration; and

WHEREAS during his tenure as Marine Resources Director, the Division opened the Claude Peteet Mariculture Center at Gulf Shores and sunk the first of several liberty ships to be used as artificial fishing reefs off Mobile Bay; and

WHEREAS Bill Anderson's enthusiasm for his work, his devoted service to his community, his wit and personal charm endeared him to all who knew him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of William F. (Bill) Anderson and express our deep and sincere sympathy to the members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent his widow, Mrs. Vivian Anderson, Foley, and his mother, Mrs. Mattie Anderson, Atmore, and the Department of Conservation and Natural Resources is directed to frame and hang a copy of this resolution in a place of honor at its Marine Resources Division Headquarters.

Approved January 31, 1975

Time: 2:33 P.M.

Act No. 19 H.J.R. 23—Malone, McMillan and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

COMPLIMENTING MISS DIANE EDDINS UPON BEING CHOSEN ALABAMA JUNIOR MISS FOR 1975.

WHEREAS the lovely and vivacious Diane Eddins, who is the 17 year old daughter of Mr. and Mrs. David G. Eddins of Satsuma, Alabama was crowned Alabama Junior Miss for 1975 recently in Montgomery; and

WHEREAS Miss Eddins, who is a senior at Satsuma High School won the poise and appearance category and was named the Breck hair style winner a short time before being crowned Junior Miss; and

WHEREAS this is the first time a Mobile girl has won the Alabama title for Junior Miss; and

WHEREAS Miss Eddins will represent Alabama in the national finals to be held in Mobile during the month of May; and

WHEREAS we wish to wish Miss Eddins every success in her try for the national title; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Miss Diane Eddins is complimented and congratulated upon winning the title of Alabama Junior Miss for 1975.

BE IT FURTHER RESOLVED, That we do wish her every success in the trials for the National Junior Miss Title.

The Speaker of the House is hereby directed to send copies of this resolution to Miss Eddins, her parents and her high school principal.

Approved January 31, 1975

Time: 2:33 P.M.

Act No. 20 H. 1—Weeks

AN ACT

To provide a clerk for the office of the Sheriff of Marion County, Alabama, fixing the salary of said clerk and prescribing the duties of said clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Marion County be and hereby is authorized to employ a clerk for the Sheriff's office to perform such duties as may be prescribed by the Sheriff from time to time. That the salary of said clerk shall be fixed at a sum not to exceed $600.00 per month as determined by the Marion County Commission, such salary to be paid out of the General

Fund of Marion County. The said clerk shall serve at the pleasure of the Sheriff of Marion County.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 21 H. 2—Weeks

AN ACT

To amend further Act No. 30, H. 116, Regular Session 1957, an Act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), in relation to the compensation of the judge and of the court reporter of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 30, H. 116, Regular Session 1975, an Act creating the Marion County Superior Court (Acts 1957, v. 1, p. 72), as amended, is hereby further amended so as to read as follows:

"Section 5. The judge of the Marion County Superior Court shall receive a monthly salary of One Thousand Five Hundred Forty-two Dollars payable out of the county treasury. In addition to the compensation provided herein, the judge of said court shall be entitled to receive the sum of $200.00 per month as reimbursement for the expenses incurred by him in the performance of his duties as the judge of such court."

Section 2. Section 17 of said Act No. 30, H. 116, Regular Session 1957, as amended, is hereby further amended so as to read as follows:

"Section 17. The judge of the court shall appoint a competent person capable of taking the proceedings of said court in shorthand as a full time official reporter for the court. The court reporter shall be removable at the discretion of the judge. The reporter's duties shall be the same as those required by law of reporters for the circuit courts of the state; he shall receive the same rate of compensation for transcribing the testimony or other proceedings as is now provided for the circuit court reporters, and shall also receive $300.00 a month and five dollars for each half day or fraction thereof he is

engaged in taking testimony or other proceedings of the court; such salary and compensation shall be paid out of the county treasury."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 22 H. 3—Weeks

AN ACT

To provide for an additional expense allowance for each member of the Marion County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Marion County Commission shall be entitled to receive an expense allowance of $100.00 per month to be paid out of the county treasury and shall be in addition to all other salaries, compensation and expense allowances provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 23 H. 4—Ford, Rich, Brindley, Taylor

AN ACT

To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to

resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census.

Section 2. Act No. 795 of the 1973 Regular Session of the Alabama legislature is hereby amended by adding thereto, immediately after Section 8, the following new Section 8a:

"Section 8a. The county governing body of any county in which this act applies is hereby authorized and empowered to omit any further quarterly cost of living salary raises and quarterly cost of living expense allowance increases provided for herein whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems; any such county governing body is further authorized and empowered to resume payment of same whenever it shall by majority vote determine to do so; provided, however, that any resumption shall not apply retroactively to include percentages of cost of living increases for quarters in which said governing body voted to omit cost of living salary raises and cost of living expense allowances; provided, further, that nothing in this section shall be construed as permitting any reduction in payment or nonpayment of cost of living salary increases or cost of living expense allowances which accrued on or before December 31, 1974."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 24 H. 5—Hill, Coburn, Greer

AN ACT

Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide further for the compensation and expense allowances of certain county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 65,500 nor more

than 75,200 inhabitants according to the most recent federal decennial census.

Section 2. In all counties to which this act applies the following county officials shall have the indicated annual salary and the indicated monthly expense allowance, viz:

	Annual Salary	Monthly Expense Allowance
Probate Judge	$18,000	$100.00
Circuit Clerk	16,200	100.00
Tax Assessor	15,000	150.00
Tax Collector	15,000	100.00
Circuit Clerk Register	15,000	None

Section 3. The provisions of this act shall supersede any and all other provisions in regard to the annual salary and monthly expense allowance of the above enumerated employees in such counties. Provided, however, that the provisions of this act shall not repeal such other acts and in the event that any of the provisions of this act should be declared unconstitutional or void such compensation and expense allowances as are presently provided for by law shall continue to be paid.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall become effective on the first day of the month next succeeding the date that this act shall become law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 25 H. 6—Hill, Coburn, Greer

AN ACT

Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county commissioners of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census.

Section 2. Each county commissioner in the counties to which this act applies shall receive a further and additional expense allowance of $150.00 per month which shall be paid in addition to any and all other expense allowances and compensation provided for by law.

Section 3. The provisions of this act shall become effective on the first day of the month next succeeding the date when this bill shall become law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 26 H. 7—Hill

AN ACT

Further amending Title 37, Section 73, Code of Alabama, 1940, establishing the salaries of commissioners of certain cities, so as to provide for a greater salary for commissioners in cities having a population of not less than 34,031 nor more than 34,200.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 73 of Title 37, Code of Alabama, 1940, as amended, is hereby further amended to read as follows:

73. (2377) Compensation of commissioners; when and how paid.—Unless otherwise provided in this code or by local laws, the president of the board of commissioners of every city organized under the terms of this article which shall have a population of fifteen thousand or more by the last federal or municipal census, shall receive a salary not to exceed thirty-six hundred dollars per annum, and each commissioner of such city shall receive a salary not to exceed twenty-four hundred dollars per annum; and the president of the board of commissioners of every such city, so organized and operating which shall have a population of eight thousand and not more than fifteen thousand, by the last federal or municipal census, shall receive a salary not to exceed twenty-five hundred dollars per annum, and every commissioner of such city shall receive a salary not to exceed eighteen hundred dollars per annum; and the president of the board of commissioners of every such city, so organized and operating which shall have a population of not less than 34,031 nor more than 34,200 by the last federal or municipal census, shall receive a salary not to exceed seventy-two hundred dollars per annum, and every commissioner of such city shall receive a salary not to exceed forty-eight hundred dollars per annum. The salary of the commissioners of such

cities so organized and operating, having a population of less than eight thousand, by the last federal or municipal census, shall be fixed by ordinance adopted by the commissioners, and shall not be less than three hundred dollars per annum nor more than fifteen hundred dollars per annum for each commissioner. All salaries of commissioners shall be paid monthly and at the same rate for every fraction of a year for which they serve.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 27 H. 8—Cross

AN ACT

Relating to any counties having a population of not less than 27,000 nor more than 27,900; authorizing the county commission to set an expense allowance for county officials; making the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of any county having a population of not less than 27,000 nor more than 27,900 according to the most recent federal decennial census is hereby authorized to set and pay an additional expense allowance, not to exceed $100 per month, to elected county officials, including the chairman and members of the county commission. The expense allowance herein provided for must be approved by unanimous consent of the commission and a record of the vote spread upon the minutes of its meeting. Said expense allowance shall be in addition to all other compensation and allowance now provided to said official.

Section 2. The operation of this act shall be retroactive to September 1, 1973, and all actions taken and payments made in accordance with the provisions of this act since said date are hereby ratified, validated and confirmed.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 28 H. 9—Waggoner, Biddle, Armstrong, Jolly, Hilliard, Leonard, Gafford, Andrews, Harrison, Trammell, Moore (O), White, Falkenburg, Hall, McNair, Porter, Hopping, Howard

AN ACT

To designate a certain structure at the University of Alabama in Birmingham as "Denman Hall."

WHEREAS, a new ten-story apartment housing facility on the campus of the University of Alabama in Birmingham on 9th Avenue, South at 16th Street will be centrally located in a portion of the campus containing fifty-five and one-half blocks made available to the University of Alabama in Birmingham through the Urban Renewal Program of the United States Department of Housing and Urban Development; and,

WHEREAS, Mr. Hugh Denman, Executive Director of the Housing Authority of the Birmingham District has furnished primary leadership in the development of urban renewal projects which have made these properties available to the University; and,

WHEREAS, it is highly appropriate to recognize the leadership and dedication of Mr. Denman to the University of Alabama in Birmingham and to the City of Birmingham; and,

WHEREAS, under Mr. Denman's leadership public housing has almost doubled in the City of Birmingham since 1960, and his reputation as one of the outstanding housing directors in America has brought distinction to the City of Birmingham and to the State of Alabama; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The new ten-story apartment housing facility on the campus of the University of Alabama in Birmingham on 9th Avenue, South at 16th Street is hereby designated "Denman Hall" in honor of Mr. Hugh Denman and the Board of Trustees of the University of Alabama is here authorized and directed to properly designate such building by this name.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 29 H. 10—Waggoner, Biddle, Armstrong, Jolly, Hilliard, Leonard, Harrison, Andrews, Trammell, Moore (O), White, Gafford, Falkenburg, Hall, Porter, McNair, Hopping, Howard

AN ACT

To name the ambulatory facility at the Medical Center of the University of Alabama in Birmingham the Thomas D. and Julia W. Russell Ambulatory Center.

WHEREAS, Thomas and Julia Russell have been extremely interested in the University of Alabama in Birmingham Medical Center achieving worldwide status as a medical center of excellence and have generously manifested this interest as substantial benefactors of the University of Alabama in Birmingham Medical Center for many years; and

WHEREAS, Thomas and Julia Russell have most recently manifested their interest in the University of Alabama in Birmingham Medical Center by providing for the Thomas D. Russell University of Alabama in Birmingham Annuity Trust, which is to benefit the ambulatory facility; and

WHEREAS, the Board of Trustees of the University of Alabama has previously authorized the naming of this building; and

WHEREAS, this Legislature deems it fitting that this facility should bear the name of these individuals; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The ambulatory facility of the Medical Center of the University of Alabama in Birmingham is hereby named The Thomas D. and Julia W. Russell Ambulatory Center in honor of Thomas and Julia Russell.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 30 H. 13—Folmar

AN ACT

To create the office of supernumerary county commissioner in all

counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, there is hereby created the office of supernumerary county commissioner. All persons who have served for at least 10 years on the county commission of such counties and at least 7 years in the state legislature and at least 10 years as Justice of the Peace and who are not less than 72 years of age, may elect to become a supernumerary county commissioner by filing a statement under oath with the Secretary of State which states that such person meets the qualifications of such office.

Section 2. Upon receipt of such statement filed under Section 1 of this act the Secretary of State shall issue a certificate naming such person as a supernumerary county commissioner in the county in which he has served.

Section 3. Such supernumerary county commissioners shall be paid a salary of $250.00 per month from the county general fund and shall advise the county governing body on financial and governmental problems as the need arises.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 31 H. 14—Barron

AN ACT

To appropriate $25,000.00 from the Alabama State Board of Public Accountancy Fund in the State Treasury to the Alabama State Board of Public Accountancy for the current fiscal year ending September 30, 1975, for other expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama State Board of Public Accountancy Fund in the State Treasury for the fiscal year ending September 30, 1975, the sum of $25,000.00 for the purpose of paying other expenses of the Alabama State Board of Public Accountancy.

The appropriation herein made shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Public Accountancy.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 32 H.J.R. 26—Robertson, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Jackson (R) Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Weeks, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams, Wyatt, Dial, Kennedy

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE JACK HOPPING UPON HIS RETIREMENT FROM U.S. STEEL—ENSLEY WORKS AFTER 46½ YEARS OF SERVICE

WHEREAS, Representative Jack Hopping is a colleague in the Alabama Legislature representing Jefferson County; and

WHEREAS, he is a 12 year member of Eagles and Knights of Pythias; and

WHEREAS, Representative Hopping has been active in the Presbyterian Church and various charitable organizations having served two terms as president of the Birmingham Chapter of the Cystic Fibrosis Foundation; and

WHEREAS, he is a past president of Local 1489; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does wish to commend Jack Hopping for his 46½ years of service with U.S. Steel—Ensley Works, and does wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Jack Hopping and to the members of his family.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 33 H.J.R. 27—Turnham, Carothers, Lee, Plaster, Whatley, Higginbotham

HOUSE JOINT RESOLUTION

Resolution For Naming New Agricultural Experiment Station Research Center of Auburn University

WHEREAS, Dr. Edwin Virginius Smith, Dean and Director Emeritus, Auburn University School of Agriculture and Agricultural Experiment Station devoted 41 years of distinguished service to Auburn University before his retirement, and as a citizen has and is continuing to serve well his community, state, and nation, and

WHEREAS, during his long service at Auburn University he provided leadership in agriculture and research development of such quality as to inspire those with whom he was associated to give of their abilities, and

WHEREAS, Doctor Smith as a teacher, researcher, and administrator made significant contributions to agriculture in Alabama and the Nation, and made lasting impressions on Auburn students, and

WHEREAS, he served on many important state and na-

tional committees and was a member of many organizations that were influential in charting agriculture's course, and

WHEREAS, in recognition of his many years of dedication to improving agriculture in Alabama, the South, and the Nation through the research of the Alabama Agricultural Experiment Station of Auburn University the Board of Trustees of Auburn University has unanimously recommended that the new Agricultural Experiment Station Research Center being developed with funds authorized by the 1973 Session of the Alabama Legislature be named the E. V. Smith Research Center of the Agricultural Experiment Station of Auburn University.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor Doctor Smith by naming the new Agricultural Experiment Station Research Center: The E. V. Smith Research Center of the Agricultural Experiment Station of Auburn University.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Doctor Smith.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 34 H.J.R 28—Malone and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM KAUFMAN FOR HIS MANY SERVICES TO HIS FELLOW CITIZENS

WHEREAS William Kaufman has served as Executive Secretary of the Community Chest and Council of Mobile County, Inc., since August 1, 1950; and

WHEREAS William Kaufman has also served as Executive Director of the United Fund of Mobile County, Inc., since it was organized in 1953; and

WHEREAS William Kaufman, because of his devoted service to his community, has been an inspiration to the citizens of Mobile; and

WHEREAS William Kaufman has directed the United Fund and Community Chest with competence and dedication; and

WHEREAS William Kaufman has dedicated his life to the service of others; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That William Kaufman be commended for his 25 years of faithful service to his community and to the less fortunate citizens he has, for a quarter of a century, endeavored to help.

BE IT FURTHER RESOLVED That the Clerk of the House send a copy of this Resolution to Mr. Kaufman and to the Mobile Press-Register.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 35 H.J.R. 34—Coburn

HOUSE JOINT RESOLUTION

COMMENDING THE RED BAY HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON

WHEREAS the Red Bay Tigers football team posted a perfect regular season mark of ten wins and no losses, and subsequently won two post-season play-off games; and

WHEREAS the Red Bay Tigers worked diligently, long and hard to achieve this outstanding record. The team ran, blocked, passed and tackled with spectacular ability; and

WHEREAS Coach Prestage and his assistant coach are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Red Bay High School Football Team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. James Segars, head coach Paul Prestage, and his assistant coach G. A. Mills, Jr., and to each team member.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 36 H.J.R. 37—Albright

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MISS MARY SUE TONEY

WHEREAS, Miss Mary Sue Toney was a resident, community leader, teacher and humanitarian of Jackson County; and

WHEREAS, She served diligently the young people of Jackson County for many years; and

WHEREAS, The people of the Jackson County area will deeply miss the high standard of moral, religious, and educational leadership practiced by Miss Toney; and

WHEREAS, The people of Princeton, Paint Rock Valley, Skyline and the entire Jackson County school system feel the great loss of a close friend and colleague; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Miss Mary Sue Toney, and that a copy of this resolution be sent to Paint Rock Valley High School, in Princeton, Alabama.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 37 H.J.R. 38—Starkey

HOUSE JOINT RESOLUTION

COMMENDING J. H. WHEELER FOR HIS SERVICE AS A TEACHER, PRINCIPAL, AND SUPERINTENDENT OF EDUCATION IN JACKSON COUNTY.

WHEREAS Mr. J. H. Wheeler worked diligently to improve education in Jackson County for 47 years as a teacher, a principal, and superintendent of education from 1905 to 1952; and

WHEREAS Mr. Wheeler is noted as a great humanitarian and a devoted community builder who has served his people with love and dedication; and

WHEREAS Mr. Wheeler is a dedicated family man and the justifiably proud father of five fine children: J. H. Wheeler, Jr., head of the history department at the University of Missouri; Robert Wheeler; and daughters Lucy Francis, Margarite and Sarah; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. J. H. Wheeler and wish to express our deepest appreciation for his many contributions to public education, and that our every best wish is extended to Mr. Wheeler for many years of enjoyable retirement which he so richly deserves.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. J. H. Wheeler.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 38 H.J.R. 39—Brindley, Rich, Ford, Taylor, Jolly, Quarles

HOUSE JOINT RESOLUTION

MOURNING DEATH OF JAMES KILGO

WHEREAS The Alabama Legislature has noted with a sense of deep regret the passing of James Kilgo of Etowah County; and

WHEREAS James Kilgo was a widely known radio personality affectionately known as "Ole Pro" because of his colorful coverage of sports events; and

WHEREAS James Kilgo was a veteran of the Korean War; and

WHEREAS James Kilgo was instrumental in helping the city schools of Oneonta to raise thousands of dollars for worthy projects; and

WHEREAS James Kilgo was a champion fisherman; and

WHEREAS James Kilgo was a popular speaker whose wit and humor were actively sought at banquets in the area; and

WHEREAS James Kilgo loved people, always going out of his way to help other people; and

WHEREAS This legislature would like to pay tribute to a great but humble man who will be missed by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Kilgo and express our deep and sincere sympathy to his widow, Mrs. Betty Kilgo, and to all members of his family.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mrs. Betty Kilgo, Attalla, Dr. Ira Patton, The Southern Democrat, WCRL-WKLD Radio, all of Oneonta, the Etowah New Journal, Attalla, the Gadsden Times, Gadsden, The Sand Mountain Reporter, Albertville, WGAD Radio and WAAX Radio, Gadsden, and the Birmingham News, Birmingham.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 39 H.J.R. 42—Quarles

HOUSE JOINT RESOLUTION

COMMENDING ROY AND VERA B. GIBSON FOR SERVICE RENDERED THE EDUCATION SYSTEM IN ST. CLAIR COUNTY.

WHEREAS, Roy and Vera B. Gibson have served the educational system in St. Clair County and this state as administrators and educators for a combined period of 90 years; and

WHEREAS, Roy Gibson served over 20 years as teacher and principal at St. Clair County High School; and

WHEREAS, he served as superintendent of education of the St. Clair County school system for seventeen years; and

WHEREAS, Roy Gibson taught at Jacksonville College for a period of 6 years; and

WHEREAS, he is past president of the St. Clair County Retired Teachers' Association and presently vice-president of this association; and

WHEREAS, Vera B. taught in the public schools of St. Clair County and at Jacksonville College for a period of 40 years; and

WHEREAS, they are dedicated members of the First Baptist Church of Pell City and active in civic and community projects; and

WHEREAS, they are blessed with a bright cheerful spirit, and more than an ordinary share of independence and self-reliance and command the esteem of all who know them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body most heartily commends Roy and Vera B. Gibson on their many years of service rendered the educational system in St. Clair County and this state.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 40 H.J.R. 43—Folmar

HOUSE JOINT RESOLUTION

COMMENDING THE CHARLES HENDERSON HIGH SCHOOL MARCHING BAND ON BEING CHOSEN THE GOVERNOR'S REPRESENTATIVE AND AMBASSADOR FROM THE STATE OF ALABAMA TO THE DESOTO MARCHING BAND FESTIVAL

WHEREAS the Charles Henderson High School Marching Band of Troy, Alabama has been selected as the official representative of Governor Wallace and the Ambassador from the State of Alabama to the DeSoto Marching Band Festival in Bradenton, Florida on March 20-22 of this year; and

WHEREAS this distinct honor is the result of the band's timing, coordination, and musical excellence which have been developed through many hours of dedicated practice, individual sacrifice, and no small amount of genuine talent and inspiration; and

WHEREAS band director Bill Hickman is due much credit for his success in molding a coordinated, harmonious unit with great esprit de corps, as are the individual students who compose this unit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we most heartily commend the Charles Henderson High School Marching Band for their high level of accomplishment, and that we wish to express the pride that this body and the people of Alabama have in them as our representative at the Desoto Marching Band Festival.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal of Charles Henderson High School, Band Director Bill Hickman, and to each member of the band.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 41 H.J.R. 44—Holmes

HOUSE JOINT RESOLUTION

MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATE TO ENACT LEGISLATION THAT WILL PROVIDE MORE EFFICIENT POSTAL SERVICE IN THIS STATE.

WHEREAS the postal service in this state seems to have degenerated within recent times; and

WHEREAS it sometimes takes mail two days or longer to go from one side of a town to the other; and

WHEREAS it would appear that the mail was far speedier and more efficient in the days when a postage stamp cost three cents as opposed to today's ten cents for a first class letter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do memorialize the Alabama Congressional Delegation to do all in their power to seek speedier and more efficient mail service for this state.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby directed to send copies of this resolution to each member of the Alabama Congressional Delegation.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 42 H.J.R. 46—Pegues, Manley, Campbell

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JUDSON C. LOCKE, SR.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Judson Cleveland Locke, Sr.; and

WHEREAS Judson Locke served 20 years as a member of the Alabama Legislature, beginning in 1935, in both the Senate and the House; and

WHEREAS during this period Mr. Locke earned the respect and admiration of his legislative colleagues, displaying a keen intellect and staunch integrity; and

WHEREAS during a practice of law which spanned over half a century, the people of Marion and Perry County came to rely on Judson Locke's sage advice and counsel as well as his uncommon capacity for sound democratic leadership; and

WHEREAS the esteem in which Judson Locke was held by his fellow citizens often found expression in phrases such as "he has all the attributes of a black belt gentleman," and comments that Judson Locke "is a man of sound economic viewpoint" as well as "a man noted for his good humor"; and

WHEREAS this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Judson C. Locke, Sr. and express our deep and sincere sympathy to his family, to whom copies of this resolution shall be sent.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 43 H.J.R. 48—Pegues, Edwards, Lockett, Campbell

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM J. NEIGHBORS

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of William J. Neighbors of Selma, Alabama; and

WHEREAS Billy Neighbors, as he was affectionately known was serving his third term as a member of the Dallas County Commission; and

WHEREAS Billy Neighbors was a devoted community builder who served his people with great love and dedication; and

WHEREAS Billy Neighbors reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS this legislature would like to pay tribute to this great but humble man who, as a farmer and civic leader, made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of William J. Neighbors and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 44 H.J.R. 49—McCulley

HOUSE JOINT RESOLUTION

COMMENDING MR. RAY COKER UPON HIS RETIREMENT.

WHEREAS, Mr. Ray Coker contributed 44 years of his time, talent, and means to the Washington County community; and

WHEREAS, he served ably for 32 years as a Washington County commissioner and 12 years on the county school board; and

WHEREAS, the people of Washington County will miss the generous contributions made by this man and wish to honor him upon his recent retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the contributions made by this man over the past 44 years, and that a copy of this resolution be sent to Mr. Coker.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 45 S. 7—Waldrop

AN ACT

To amend Act No. 795 of the 1973 Regular Session of the Alabama legislature, an act relating to any county having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers; so as to authorize and empower the county governing body of any such county to omit quarterly salary raises and cost of living expense allowance increases whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems, and to resume payment of such quarterly raises and expense allowance increases whenever the said governing body shall by majority vote determine to do so.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000, nor more than 100,000 according to the last or any subsequent federal decennial census.

Section 2. Act No. 795 of the 1973 Regular Session of the Alabama legislature is hereby amended by adding thereto, immediately after Section 8, the following new Section 8a:

"Section 8a. The county governing body of any county in which this act applies is hereby authorized and empowered to omit any further quarterly cost of living salary raises and quarterly cost of living expense allowance increases provided for herein whenever it is determined by majority vote of said governing body that such omission is necessary due to fiscal problems; any such county governing body is further authorized and empowered to resume payment of same whenever it shall by majority vote determine to do so; provided, however, that any resumption shall not apply retroactively to include percentages of cost of living increases for quarters in which said governing body voted to omit cost of living salary raises and cost of living expense allowances; provided, further, that nothing in this section shall be construed as permitting any reduction in payment or nonpayment of cost of living salary increases or cost of living expense allowances which accrued on or before December 31, 1974."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 46 S. 2—Gilmore, Owen, Foshee

AN ACT

To amend further Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays; so as to change the designation of Armistice day in subsection 2 thereof to conform with the designation Veterans' day in subsection 1 of said Section.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 39, Section 184, as amended, relating to the observance of Sundays and holidays is amended to read as follows:

"Section 184. (1) Sunday, Christmas day, New Year's day, Robert E. Lee's birthday, George Washington's birthday, Thomas Jefferson's birthday, Mardi Gras, Confederate Memorial day, Jefferson Davis' birthday, the Fourth day of July, Labor day, Columbus day and Fraternal day, Veterans' day and the day designated by the governor for public thanksgiving, shall each be deemed a holiday. If any holiday falls on Sunday, the following day is the holiday. Veterans' day shall be observed by the closing of all state, county, and municipal offices, all banks located within this State, and the public schools on such day. The superintendent of banks, with the concurrence of not less than two members of the state banking board, may authorize any state bank to close on National Memorial day, May 30, and on such other days as may be declared by the governor to be state holidays in honor of a special event. In the event any authorized state holiday falls on a Friday, the superintendent of banks may authorize the Saturday following that Friday to be a holiday. The superintendent may also authorize the closing of banks at 12:00 noon on the day prior to Christmas day, and the day prior to New Year's day, if such days fall on business days.

"(2) Of the above enumerated legal public holidays, the following shall be observed on the dates herein prescribed:

Robert E. Lee's birthday — the third Monday in January.

George Washington's birthday — the third Monday in February.

Confederate Memorial day — the fourth Monday in April.

Jefferson Davis's birthday — the first Monday in June.

Columbus day and Fraternal day — the second Monday in October.

Veterans' day — the 11th day of November."

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975

Time: 3:30 P.M.

Act No. 47 S. 11—Weaver

AN ACT

Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the most recent or any subsequent federal decennial census; to regulate the amount of the Clerk and Sheriff's fees charged by the Circuit Courts, Criminal and Civil divisions and by the intermediate courts criminal, civil, and equity divisions, and to regulate the amount of certain other fees and costs charged by such courts in counties coming under the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 65,000 nor more than 68,000 according to the last federal decennial census, the Judge of Probate is entitled to the following services:

THE FOLLOWING RATES OF FEES SHALL BE CHARGED BY THE PROBATE JUDGE WHERE THERE IS NO CONTEST:

Services rendered in the incorporation of towns, paid by corporation	$150.00
Issuing and recording marriage license rites celebrated at no additional charge	10.00
Change of Name	10.00
Legitimation	10.00
Adoption—with or without hearing	25.00
Sanity Inquisition	30.00
Appointing Guardian, Administrator or Executor	3.00
Presiding in contested causes per day	25.00
Granting Orders	2.00
Issuing Orders	2.00
Granting Letters	4.00
Issuing Letters	4.00
Taking, Approving and recording bond	3.00
Examining Testimony	3.00
Examining Witness	3.00
Publication of affidavit	2.00
Examining or passing on accounts and vouchers	.10
Notary Commission—Total Charge	10.00

Making Decree	2.50
Filing and docketing fee	.50
Examining Petition per page	1.00
Certifications and Acknowledgements	1.00
Release	1.00 1st page add. Page .20 per 100 words
Release with Power of Attorney	.25
Recording Judgment	1.00
Affidavit	1.00 1st page add. Page .20 per 100 words
Supplemental Orders	1.00
each additional order contained in final decree	.50
Consent Final Settlement	15.00
Additional copies of letters	.75
Xerox copies	.25/sheet
Satisfaction	.50
Copy of marriage record	2.00
Copy of Military Discharge	1.00
Copy of regular mortgage record	2.00 1st page add. Page .50 each.
Issuing each writ, citation, waiver of notice, and entering Sheriff's return	1.00
Guardian Ad Litem Fee	20.00

Recording

$1.00 per page for the first 400 words or any part thereof, .20 per 100 words for all additional.

Section 2. The Register of all counties coming within the provisions of this are entitled to the following fees for the following services:

Relieve Minors of disabilities of non-age	12.00

Commissions on sales:	**Percentage**
For the first three hundred dollars	3%
For all over three hundred dollars and not exceeding two thousand dollars	2%
For all over two thousand dollars and not exceeding twenty thousand dollars	1%
For all exceeding twenty thousand dollars	½ of 1%

For receiving, keeping and paying out or distributing money, other than arising from sales.

On the first one thousands dollars	3%
On all over one thousand dollars and not over five thousand dollars	2%

On all over five thousand dollars, not exceeding ten thousand dollars 1%

And all over ten thousand dollars ½ of 1%

Receiving, keeping, and paying out money paid into court under a decree in favor of an administration ad Litem ½ of 1% on the amount so received and paid out.

The following rate of fees will be charged on the following divorce cases:

Answer and Waiver Divorce Case, with copies of decree 20.00

Look for Act Changing 14.00

Decree pro confesso on registered mail service, Divorce case with one copy of decree 25.00

Decree pro confesso on publication, Divorce with one copy of decree 25.00

Section 3. The Clerk of the Circuit Courts in all counties coming within the provisions of this Act are entitled to the following fees in all criminal or quasi criminal cases docketed in county courts, law and equity courts of like jurisdiction.

For each misdemeanor when the defendant pleads guilty 11.00

For each misdemeanor when the defendant pleads not guilty 12.00

For each misdemeanor case nol prossed or otherwise dismissed 10.00

For each felony case when the defendant pleads guilty 15.00

For each felony case when the defendant pleads not guilty 20.00

For each felony case nol prossed or otherwise dismissed 12.00

For preparing and certifying appeals to the supreme court or court of appeals 30.00

For each conditional judgment on a forfeiture set aside on payment of costs 7.50

For each forfeiture case after final judgment 10.00

For each misdemeanor case originating by affidavit when the defendant pleads guilty 7.50

For each misdemeanor case originating by affidavit when the defendant is tried 10.00

For each misdemeanor case originating by affidavit when the case is nol prossed or otherwise dismissed 7.50

For each misdemeanor case originating by indictment when the defendant pleads guilty 10.00

For each misdemeanor case originating by indictment when the case is tried 12.00

For each misdemeanor case originating by indictment when the case is nol prossed or otherwise disposed of 7.50

In addition to the above cases, when the case is continued at the request of the defendant, to be charged but one time in any one case 2.00

In addition to the above costs when the case is appealed to the court of appeals, for making, indexing, and certifying transcript of appeal on record only 15.00

In addition to the above costs when the case is appealed to the court of appeals, for making, indexing, arranging and certifying court reporter's transcript of testimony 15.00

In all cases tried and appealed to the circuit court 10.00

On preliminary hearing in felony cases 7.50

In all forfeiture cases 10.00

For filing suit in statutary or common law detinue and in ejectment 12.00

For filing appeals from orders or decisions of the state department of industrial relations, state director of public safety or other state administrative agency 12.00

For filing settlement under workman's compensation act 12.00

For filing affidavit in garnishment of judgment, request for statement of assets or other ancillary proceedings 7.00

For filing application for habeas corpus 10.00

For filing suit where the amount in controversy does not exceed one hundred dollars, or is not otherwise provided 7.00

For filing suit for not less than one thousand dollars, and for all transfers or appeals to the circuit court from courts of probate 25.00

For filing suit where the amount in controversy is over one hundred dollars but not exceeding one thousand dollars, and is not otherwise provided for 12.00

For filing any petitions, summons and complaint or proceeding not otherwise provided for 12.00

For checking and including transcript of testimony in record on appeal 15.00

Section 4. The sheriffs of all counties coming within the provisions of this act are entitled to the following fees in civil,

Probate, Criminal and Equity cases in the courts of such counties:

CIVIL COURT	
Serving Summons & Complaints	$2.50
Serving Writ of Garnishment	2.50
Serving Notice of Garnishment	2.50
Levying Attachment	10.00
Writ Possession	10.00
Writ of Detinue	10.00
Writ of Restitution	10.00
Sci Ra	2.50/ bondsman
FiFa	10% of Bond Cost
Other Summons	2.50
Mileage on all of above	.20/mi.
Civil Executions	
Commission of Cost Execution	5.00
Commission on the Executions	
$ 1.00-$200.00	10%
$200.00-$500.00	7%
$500.00-over	5%
PROBATE COURT	
Serving Notice	2.50
Summons Sanity Jury	10.00
Mileage	.20/mi.
CRIMINAL COURT	
Search Warrant	
Day	5.00
Night	10.00
Arrest	10.00
Bond	3.00
Subpoena	4.00
Guard Fee	5.00
Fingerprints	2.00
Seizure Fee on Liquor	5.00
1 gal-4 gal	5.00
5 gal-19 gal	10.00
20 gal-over	15.00
Mileage on arrest and/or search Seizure	.20/mi.
Summonings jury	10.00
Serving Grand Jury or Criminal Jury Subpoena	1.50
EQUITY COURT	
Serving Summons in Equity	2.50

Arrest Fee—Contempt	10.00
Guard	5.00
Fingerprint	2.00
Bond	3.00
Serving Writ of Garnishment	2.50
Serving Notice of Garnishment	2.50
Other Summons	2.50
Serving Witness Subpoena	1.50
Approving Bond	3.00
Pistol Permit	10.00
Mileage on all service	
Except Court Subpoenas & Jury Subpoenas	.20/mi.

Section 5. If any section, clause or provision of this act shall be declared unconstitutional or held invalid, it shall not affect any other section, clause, or provision, but the same shall remain in full force and effect.

Section 6. All laws or parts of law which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 48 S. 12—Jones, Mitchell, Powell

AN ACT

TO AMEND ACT NO. 240, H. 627, AS AMMENDED, APPROVED JULY 29, 1947, (LOCAL ACTS OF 1947, P. 165) ENTITLED, "AN ACT TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSION OF MONTGOMERY COUNTY, ALABAMA, TO PROVIDE A PENSION OR RETIRING ALLOWANCE PLAN FOR THE EMPLOYEES OF SAID COUNTY BUT NOT FOR THE ELECTED OFFICIALS", TO PROVIDE FOR AN INCREASE IN THE PENSION OR RETIRING ALLOWANCE AUTHORIZED BY SAID ACT.

Be It Enacted by the Legislature of Alabama:

Section 1. Under the provisions of Act No. 240 of the Legislature of Alabama, as amended, approved July 29, 1947 (Local Acts of 1947, P. 165), certain employees of the County are now receiving a pension or retiring allowance and other employees of the County will be so entitled to receive a pension or retiring allowance in the future. Upon the passage of this amendment to Act No. 240 of the Legislature of Alabama, approved July 29, 1947, and its approval by the Governor and

upon its otherwise becoming a law, such employees shall be entitled to a twenty percent (20%) increase over and above their present pension in such pension or retiring allowance and the County Commission of Montgomery County, Alabama is hereby authorized and directed to add such twenty percent (20%) increase for employees now retired and other employees who may retire in the future.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 49 S.J.R. 5—Ellis, Vacca, Gilmore, McMillan Littleton, McDonald (S)

SENATE JOINT RESOLUTION

Relating to Alabama Public Television Network relicensing.

WHEREAS, the Alabama Educational Television Commission was established by the Alabama Legislature in 1953 for the purpose of making educational television available to and promoting its fullest use by inhabitants of Alabama, and

WHEREAS, the Alabama Educational Television Commission has created, developed, and operates the nation's first and finest public television network, and

WHEREAS, the Alabama Public Television Network, through the simulcasting of local and national presentations, makes available to all of the schools and homes of Alabama, instructional, educational, cultural, and public affairs programs of great public service and significance, and

WHEREAS, the Federal Communications Commission has recently denied the renewal of the licenses for the nine stations of the educational network based on discriminatory practices alleged to have occurred over five years ago, and

WHEREAS, the Federal Communications Commission has permitted the Alabama Educational Television Commission to reapply for the licenses due to its efforts to correct the allegations and eliminate practices which may have existed;

BE IT THEREFORE RESOLVED, that the Legislature of the State of Alabama does hereby acknowledge the importance of the concept and continuation of the Alabama Public Television Network to the State of Alabama; and

BE IT FURTHER RESOLVED, the the Legislature of the State of Alabama encourages and supports the Alabama Educational Television Commission in its efforts to seek relicensing of all of the stations of the Alabama Public Television Network.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 50 S.J.R. 9—Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES RAYFORD HARRINGTON

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of James Rayford Harrington of Alexander City on January 24, 1975; and

WHEREAS Mr. Harrington was a prominent and influential leader in the business and civic life of his city; and

WHEREAS Mr. Harrington exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Rayford Harrington and express our deep and sincere sympathy to his widow and his family to whom copies of this resolution shall be sent.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 51 S.J.R. 12—Owen

SENATE JOINT RESOLUTION

GIVING INSTRUCTIONS TO THE JOINT INTERIM ECONOMIC STABILITY STUDY COMMITTEE TO STUDY VARIOUS PROBLEMS IN REGARD TO HOME MORTGAGE LOANS IN ALABAMA.

WHEREAS there are considerable problems facing the

people in the home construction industry and in the ability of private citizens to secure home mortgage loans: and

WHEREAS there is an immediate and pressing need to study this area of our economy; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim economic stability study committee created under the provisions of Senate Joint Resolution 15 of the Organizational Session of 1975 is hereby instructed to commence immediately an in-depth study in regard to the interest rates charged on home mortgage loans in Alabama and the availability of money in the money market for making such loans. This committee is further instructed to seek input and testimony from persons engaged in the home construction industry, from carpenters, bricklayers, plumbers and people who earn their livelihood in the home construction industry, with particular emphasis to determine the extent of the recession or depression now existing in said industry. They shall further seek information and testimony from people engaged in the field of financing home mortgage loans and information from people who have tried to secure home mortgage loans in recent months.

Said committee is further instructed to report back to this Legislature its findings, information, data and recommendations upon the completion of said study.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 52 S.J.R. 13—Fine

SENATE JOINT RESOLUTION

WISHING HAPPY BIRTHDAY TO ANNIE BELL DENNIS

WHEREAS, Annie Bell Dennis of Clayton celebrated her 65th birthday on January 30th; and

WHEREAS, Mrs. Dennis has been an indispensable employee and friend of Lt. Governor Jere Beasley's family for over 50 years; and

WHEREAS, she has served her adopted family and her community with great loyalty and devotion; now, therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish for Annie Bell Dennis a belated happy birthday, and many more years of health and happiness.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Annie Bell Dennis and to Sara Beasley.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 53 S.J.R. 16—Edwards

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF FRANCIS ALEX COLLIER

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Francis Alex Collier of Morgan County; and

WHEREAS Francis Alex Collier served for 18 years as a member of the Morgan County Board of Education; and

WHEREAS these 18 years were the time of the most rapid growth and outstanding progress ever achieved by the Morgan County school system; and

WHEREAS an impressive example of this progress is the new Albert P. Brewer High School, for which Mr. Collier was the major planner; and

WHEREAS Francis Alex Collier's inquiring and astute mind, coupled with keen perception and a rare sense of values so necessary to his position, made his services particularly valuable; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Francis Alex Collier and express our deep and sincere sympathy to his daughter, Mrs. Ann White, and his family to whom copies of this resolution shall be sent.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 54 H.J.R. 51—Riddick, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess,

Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF REPRESENTATIVE RICHARD GREGG.

WHEREAS it has been learned that our distinguished colleague Rep. Richard Gregg is currently hospitalized in Room 625 of the Huntsville Hospital after an emergency appendectomy; and

WHEREAS we will miss his smiling face and personable manner; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the illness of Rep. Richard Gregg and extend to him our best wishes for his early and complete recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Rep. Richard Gregg.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 55 H.J.R. 52—McNees and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. RAYMOND ALBRIGHT.

WHEREAS the recent passing of Mr. Raymond Albright, father of our friend and colleague, Representative Robert Albright, was a distinct loss to his host of friends in Huntsville and Madison County; and

WHEREAS Mr. Albright was a fine, yet unassuming man, who possessed many enviable qualities of character which endeared him to his family and many friends; and

WHEREAS Mr. Albright exhibited throughout his lifetime those admirable attributes of friendliness, devotion to duty and concern for his fellowman; he was a member of the Stevens Avenue Church of Christ in Huntsville and a retired member of Auto Workers of America

WHEREAS Mr. Albright is survived by his widow Mrs. Alma Albright and three sons, Senator Ray Albright of Tennessee, Representative Robert Albright of Alabama and an eleven year old son Mark of Huntsville; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mr. Albright and extend our sincere sympathy to the surviving members of his family, to whom copies of this resolution shall be sent.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 56 H.J.R. 54—Smith (C), Holley

COMMENDING THE UNIVERSITY OF MONTEVALLO FOR WINNING THE MAGIC CITY CLASSIC BASKETBALL TOURNAMENT.

WHEREAS, the University of Montevallo Basketball Team won the Birmingham Southern College-Sertoma Club sponsored Magic City Classic basketball tournament in Birmingham on January 28-29, 1975; and

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, Coaches Bill Elder and Billy Cannon are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the team is reflective of their school, faculty, parents and the good citizens and basketball fans of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the basketball team and the University of Montevallo for winning the Magic City Classic basketball tournament.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Kermit Johnson, Athletic Director Leon Davis, Coaches Elder and Cannon, and each team member.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 57 H.J.R. 55—Smith (C) and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

MEMORIALIZING COL. E. C. DOTHARD, THE DEPARTMENT OF PUBLIC SAFETY AND THE PEOPLE OF ALABAMA FOR THEIR COMBINED EFFORTS IN MAKING LAST WEEKEND THE FIRST FATALITY-FREE WEEKEND ON ALABAMA'S RURAL HIGHWAYS SINCE 1967.

WHEREAS Col. E. C. Dothard of the Alabama Department of Public Safety has distinguished himself as a trooper, as a bodyguard for our Honorable Governor and as a public administrator; and

WHEREAS the dedicated employees of the Department of Public Safety have, since the inception of that department, provided services above and beyond the call of duty; and

WHEREAS the people of Alabama have become more accident conscious and law abiding in their driving habits; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the people of this great state hereby express their grateful appreci-

ation to Col. Dothard and the Department of Public Safety for their efforts in making last weekend the first fatality-free weekend on Alabama's rural highways since 1967 and hereby pledge their cooperation and support for the continuation of this record.

RESOLVED FURTHER, That a copy of this resolution be sent to the Department of Public Safety.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 58 H.J.R. 57—Folmar

HOUSE JOINT RESOLUTION

RECOGNIZING L. GARDNER BASSETT UPON HIS RETIREMENT FROM THE LEGISLATURE OF ALABAMA.

WHEREAS, our beloved former colleague, L. Gardner Bassett, served this state for 24 years with profound dedication as a member of the House of Representatives from Pike County; and

WHEREAS, L. Gardner Bassett served on all major committees in the House of Representatives; and

WHEREAS, L. Gardner Bassett is a devoted community builder who served his people with great love and dedication; and

WHEREAS, it has been noted that L. Gardner Bassett's devotion to the protection of the democratic processes here in Alabama caused him never to miss a roll call during 22 years of service in the House of Representatives; and

WHEREAS, his desire to serve was based on an interest in bettering conditions in his legislative district, in the state in general, and on the personal satisfaction he derived from serving his fellowman; and

WHEREAS, we shall miss the close association with this great leader whom we have long admired and respected and have been proud to call our colleague and friend throughout many years of association; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who has made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this

body commends L. Gardner Bassett for his constant enthusiasm in adhering to the principle of government of the people, by the people and for the people as exemplary conduct to be emulated by all members of the Alabama Legislature.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 59 H.J.R. 58—Plaster, Edwards, Lockett

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOE DURDEN.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Joe Durden; and

WHEREAS, Joe Durden was a lifelong resident of Autauga County and a faithful employee of the State of Alabama for over 40 years; and

WHEREAS, Joe Durden served in many capacities for our state the last being Deputy Director of Insurance; and

WHEREAS, We honor his memory as an outstanding citizen of our state, his tremendous courage toward life and his loyalty and dedication to his fellowman; and

WHEREAS, Joe Durden was a true southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind;

WHEREAS, we shall miss this great leader whom we have long admired and respected and have been proud to call our friend;

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Joe Durden and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved February 5, 1975.

Time: 3:30 P.M.

Act No. 60 H.J.R. 59—Pegues, Campbell, Lockett, Quarles, Morris, Teague, Dial, Killian, Whatley, Turnham, Carothers, Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE JUDSON COLLEGE GIRLS BASKETBALL TEAM ON THEIR RESOUNDING VICTORY OVER THE UNIVERSITY OF ALABAMA GIRLS TEAM

WHEREAS the Judson College Girls Basketball Team exhibited consumate skill and dexterity in every phase of the game of basketball, dribbling with great aplomb, shooting with deadly accuracy, and rebounding with singular ferocity, in defeating their rivals from the University of Alabama Thursday; and

WHEREAS Coach Hildred Deese is due much credit not only for the high degree of technical skill displayed by the team but also for the spirit and winning attitude which is vital to a successful team; and

WHEREAS a 24 point effort by Lyn Streetman and a 23 point total by Whit Lee complemented by an 18 rebound mark by Janet Pitts led the Judson girls to a 63-57 victory; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Judson College Girls Basketball Team for this tremendous victory which highlights a fine 6 win, 2 loss record.

RESOLVED FURTHER That copies of this resolution be sent to Coach Hildred Deese and to each team member.

Approved February 5, 1975.

Time: 3:30 P.M.

MESSAGE OF GOVERNOR GEORGE C. WALLACE

TO JOINT SESSION OF THE ALABAMA LEGISLATURE

AT SECOND SPECIAL SESSION MARCH 3, 1975

Gentlemen and Lady:

I welcome you into this extraordinary session for the purpose of acting upon legislation to meet the increasing needs of many of our insured unemployed workers.

As many of you know from having talked with me personally, with the Directors of Labor and Industrial Relations, and with leaders of labor and management, the rate of insured unemployment has more than doubled during the last year. Indeed, since September, 1974, to January, 1975, the rate has climbed from 2.4% to 8.4%. During this same period, the Unemployment Trust Fund has diminished some 20 million dollars — with weekly payments going out at a rate over three times more than a year ago.

You are no doubt painfully aware, as I am, of the urgent need for these benefits by the workers and families of workers who are unemployed. The legislation I am proposing will help meet that need.

Simply stated, my proposed legislation will increase the maximum benefits from 75 dollars per week to 90 dollars per week for those so entitled. This increase will go a long way toward paying some of the added living expenses placed upon all of us by the combination of inflation and recession — especially felt by the unemployed.

Last week when I decided to call this session, I was privileged to meet with those of you who were at the State Capitol; and I was heartened by your expressions of concern, as well as your continued spirit of cooperation in this proposal. Equally gratifying is the fine cooperation between labor and management, for they have both been in consultation over the past days and have announced to me their joint agreement with the legislation being placed before you.

In these troubled economic times, the citizens of Alabama look to all of us for responsible leadership. Labor and management have joined hands in their efforts to meet this need. We, as elected officials and legislators, must do likewise. I, therefore, call upon you to promptly, and without delay, enact my proposed legislation to benefit the many unemployed of our State.

Now, there is another matter which I did not place into the call of this special session because it is one over which I think there will be unanimity in your votes — and that is the matter of the State Docks bond issue. This, in my judgment, is one of the most important issues which we are going to face because the Tennessee-Tombigbee has had its completion date pushed up, and the continued appropriations from the Congress of the United States for the Tennessee-Tombigbee Waterway project in large degree depends on your willingness as Legislators to fund the upgrading of our Docks to meet the tonnage to be carried over the Tennessee-Tombigbee system. We also have the possibility of the Superport, which would also generate more tonnage and business for the State Docks. I believe that we are ahead of many places in the country in our efforts to gain this Superport — We have done our home-work in this regard.

I also urge you to favorably act upon legislation enabling the issuance of bonds to finance this all important expansion of our State Dock's facilities.

Respectfully,

George C. Wallace

Governor of Alabama

ALABAMA LAWS

And Joint Resolutions

SECOND SPECIAL SESSION 1975

Act No. 1

H. 71—Callahan, McCorquodale, Glass, McMillan, LeFlore, Kennedy, McCulley, Sonnier, Merrill, Manley, Biddle, Owens, Sandusky, Kinsey, Waggoner, Cooper, Lockett, Campbell, Cross, Johnstone, Malone, Jackson (R), Tucker, Hopping, Porter, Hall Boles, Williams, Ford, Armstrong, Jolly, Andrews, Trammell, Falkenburg, Greer, Coburn, Teague, White, Moore (O), Baker, McNees, Smith (C), Reed, McCluskey, Wyatt, Warren, Dial, Gregg, Albright, Quarles, Morris, Lewis, Venable, Cates, Folmar, Hines, Clark, Lee, Holmes, Hilliard, Crowe, Robertson, Johnson, Shelton, Turnham, Harrison, Pegues, Sasser, Martin, Roberts, Sparks, Carter, Harris

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in the development construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile; to authorize the State to become indebted and to issue in connection therewith its interest bearing general obligation bonds in principal amount not exceeding Forty-Five Million Dollars ($45,000,000); to authorize the State legislature to establish a public corporation to act as the agency of the State in authorizing, selling, issuing and approving the disbursement of the proceeds of said general obligation bonds and any bonds issued to refund the said bonds and to designate the composition of such public corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the State shall have the power to engage in works of internal improvement in connection with the development, construction, improvement, expansion, and modernization of the State Docks Facilities at the Port of Mobile.

The legislature may by appropriate laws authorize the State to become indebted and, in evidence of such indebtedness, to sell and issue its interest bearing general obligation bonds, in an aggregate principal amount not exceeding Forty-five Million Dollars ($45,000,000), for the purpose of paying costs of the development, construction, improvement, expansion and modernization of the State Docks Facilities at the Port of Mobile, as the said facilities may at any time exist. The full faith, credit, and taxing powers of the State are hereby pledged to the prompt and faithful payment at their respective maturities of the principal of and interest on the bonds. The said bonds may be additionally secured by any special pledges that may be provided for by the legislature.

The legislature may, by appropriate laws, provide for the organization of a public corporation with power to act for the State in the authorization, sale, issuance and approval of disbursement of proceeds of the said bonds and any bonds that may hereafter be issued for the purpose of refunding them. The said public corporation shall consist of the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the Hous of Representatives, appointed by the Speaker and the Director of the State Docks Department, each of whom shall be members of its Board of Directors.

The legislature shall implement the provisions of this amendment by appropriate legislation."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three (3) months from final adjournment of the 1975 Second Special Session of the Legislature of Alabama. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940, as amended.

Section 3. Notice of the said election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published in a newspaper in each county of the State once a week for four (4) successive weeks

next preceding the day appointed for the election. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House as substituted March 5, 1975.

Passed the Senate as amended March 7, 1975.

House concurred in Senate Amendment March 7, 1975.

Act No. 2

S. 9—King, Waldrop, Roberts, Noonan, Flippo, McMillan, St. John, McDonald (A), Edwards and Ellis

AN ACT

Proposing an amendment to the Constitution of Alabama providing for and regulating the length of annual and special sessions of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

AMENDMENT

Beginning in the year 1976 regular sessions of the Legislature shall be held annually on the first Tuesday in May, or on such other day as may be prescribed by law, and shall be limited to 30 legislative days and 105 calendar days. Special sessions of the Legislature convened in the manner provided by this Constitution shall be limited to 12 legislative days and 30 calendar days.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall

be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the Senate March 3, 1975.

Passed the House as amended March 7, 1975.

Passed the Senate as amended by Conference Committee Report, March 7, 1975.

Passed the House as amended by Conference Committee Report, March 7, 1975.

Act No. 3 H.J.R. 3—White, Gafford

HOUSE JOINT RESOLUTION

COMMENDING SENATOR JAMES B. ALLEN FOR HIS SERVICE IN THE UNITED STATES SENATE AND FOR HIS STAND AGAINST CHANGING SENATE RULE 22.

WHEREAS Senator James B. Allen, the Junior Senator from Alabama, continues to most diligently represent the people of Alabama in the United States Senate; and

WHEREAS Senator Jim Allen is credited with being the best parliamentarian in the United States Senate; and

WHEREAS Senator Jim Allen is currently using his parliamentary skills to ward off attacks by Senate liberals to limit the right of debate in the United States Senate; and

WHEREAS Senator Jim Allen at one point had the Senate in such a parliamentary tangle that the Senate was voting on the following:

A motion to table a motion to reconsider a vote to table an appeal of a ruling that a point of order was not in order against a motion to table another point of order against a motion to bring to a vote the motion to call up the resolution that would institute the change in the Senate Rules to limit debate; and

WHEREAS Senator Jim Allen has waged war against excessive federal spending and efforts to expand the role of government in the lives of the American people and has locked horns with some of the Senate's leading liberals and came away the victor time and time again; and

WHEREAS Senator Allen's legislative skills and acute

grasp of the Senate's rules have won him praise from many colleagues, such as Senator Robert Byrd, the Assistant Majority Leader who calls him "the best parliamentarian now serving in the Senate"; and Senator John Stennis of Mississippi who says "I have never made a decision on or off the floor without a conference with you"; and retired Senator Sam Ervin who said, "If I had to stand with one man and battle for the Lord, I hope that man would be Jim Allen"; and

WHEREAS Senator Jim Allen credits much of his parliamentary skills to his service in the Alabama House of Representatives from 1938-42, to his service in the Alabama Senate from 1946-50, and to his two terms as Lieutenant Governor from 1951-55 and 1963-67; and

WHEREAS Senator Jim Allen has always represented the average Alabama citizen in the United States Senate; and

WHEREAS the Alabama Legislature is justly proud of the Junior Senator from Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Senator James B. Allen for his service in the United States Senate and for his stand against attempts to change Senate Rule 22.

BE IT FURTHER RESOLVED, That a copy of this resolution to sent to Senator Jim Allen.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 4 H.J.R. 6—Johnson, Robertson, Lee, Clark, Owens

HOUSE JOINT RESOLUTION

COMMENDING MR. JOSEPH W. PERKINS

WHEREAS Mr. Joseph W. Perkins is a citizen of Holt, Alabama, and serves as a constable in his area; and

WHEREAS Mr. Perkins exhibited his concern for his fellowman by acting during a time of disaster to provide emergency aid to the injured in his community; and

WHEREAS Mr. Perkins worked diligently and continuously without sleep or rest to coordinate services to all the injured and homeless persons of his community from the time a tragic

tornado struck at 1:40 p.m. Sunday, February 23, 1975, through Tuesday morning February 25, 1975; and

WHEREAS Mr. Perkins was actively assisted in his services by his three sons, Joseph Jr., Mark, and Tim; and

WHEREAS the community of Holt is grateful for Mr. Perkins' tireless efforts to protect the lives and property of all its citizens; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body would like to pay tribute to Mr. Perkins and to his entire family for the significant contribution they make to the community of Holt and to the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Joseph W. Perkins, 3117 Alabama Avenue, Holt, Alabama, 35401.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 5 H.J.R. 7—Waggoner, Riddle, Lockett

HOUSE JOINT RESOLUTION

Urging the resumption of inter-collegiate athletic activities between Birmingham Southern College and Samford University

WHEREAS, the State of Alabama and Jefferson County are blessed by having within their boundaries two highly regarded private institutions of higher learning which have equally illustrious histories in the field of intercollegiate athletics, and

WHEREAS, these two great institutions, Birmingham Southern College and Samford University, first engaged in intercollegiate sports back in the year of 1919 when they played each other in football, basketball and baseball, and

WHEREAS, the two said institutions continued to play each other in football until Birmingham Southern College gave up football in 1939, and baseball until Samford University gave up the sport some years later and in basketball until the series terminated in 1957, and

WHEREAS, both schools still participate in intercollegiate basketball but do not schedule games with each other, and

WHEREAS, the resumption of intercollegiate basketball between these two institutions would help to increase the growing interest in basketball in this state, would provide many hours of entertainment for students, alumni and sports fans, and will renew a time-honored and historic rivalry between two great institutions, NOW THEREFORE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that this body go on record as urging these two great institutions to resume intercollegiate athletic activities with each other.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Dr. Leslie Wright, Coach Ron Harris, and the Board of Trustees of Samford University; and to Dr. Ralph Tanner, Coach Murray Arnold, and the Board of Trustees of Birmingham Southern College.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 6 H.J.R. 8—McCluskey, Teague, Dial

HOUSE JOINT RESOLUTION

COMMENDING DONALD COMER, III, UPON BECOMING PRESIDENT OF AVONDALE MILLS

WHEREAS, Donald Comer, III, was recently elected president of Avondale Mills; and

WHEREAS, Donald Comer, III, represents the fourth generation of the Comer Family to serve as president of Avondale Mills in Sylacauga, Alabama;

WHEREAS, Donald Comer, III, is a member of one of Alabama's most illustrious families, whose great grandfather, Governor B. B. Comer, was Governor of the State of Alabama from 1907 until 1911; and

WHEREAS, Donald Comer, III, has followed the tradition of civic awareness and service to his community and to his state by holding a number of offices in state, business and trade organizations; and

WHEREAS, Donald Comer, III, is currently serving as vice-chairman of the Alabama Ethics Commission and as director of the Alabama Safety Council; and

WHEREAS, Donald Comer, III's business affiliations include membership on the board of directors of the First Na-

tional Bank of Eufaula, advisory director of the American Mutual Insurance Company; director of the Allied Sports Company; director of the American Yarn Spinners Association; past president and director of the Alabama Textile Manufacturers Association; and for eight years served as president, treasurer and general manager of Cowikee Mills with headquarters in Eufaula, Alabama; and

WHEREAS, Donald Comer, III's past civic affiliations include director of the Alabama-Florida Council, Boy Scouts of America; the Eufaula Country Club; the Eufaula Heritage Association; the Eufaula Public School; the United Way; as well as director of the Comer School Trust, the Cowikee Trust and E. T. Comer Trust; and

WHEREAS, Donald Comer, III's past honors include selection by the Eufaula Jaycees as Boss of the Year; the Citizen of the Year Trophy from the Eufaula Kiwanis Club; and the Good Citizen Award from the Eufaula Tribune;

WHEREAS, Donald Comer, III, is recognized as a leader in the civic, social and religious life of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does commend Donald Comer, III, upon becoming president of Avondale Mills.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 7 H.J.R. 9—McCluskey, Teague, Dial

HOUSE JOINT RESOLUTION
COMMENDING JUDGE WILLIAM C. SULLIVAN

WHEREAS, Judge William C. Sullivan was elected President of the Alabama Association of Circuit Judges in July of 1974; and

WHEREAS, Judge William C. Sullivan has served continuously as Circuit Judge of the 29th Judicial Circuit for the past 16½ years; and

WHEREAS, during Judge William C. Sullivan's tenure on the bench he has been assigned special duty on both the Alabama Supreme Court and the Court of Criminal Appeals; and

WHEREAS, Judge William C. Sullivan was appointed as an original member of the Alabama Pattern Jury Instruction

Committee and continues to serve as vice-chairman of the standing committee.

WHEREAS, it is recognized that Judge William C. Sullivan's inquiring and astute mind, coupled with keen perception and a rare sense of values so necessary in his position, make his services particularly valuable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body take pride in recognizing this eminent jurist and commend him upon becoming President of the Alabama Association of Circuit Judges.

Approved March 10, 1975

Time: 3:00 P.M.

HOUSE JOINT RESOLUTION

Act No. 8 H.J.R. 10—McCluskey, Teague, Dial

CONGRATULATING MISS RUTH ELIZABETH PENNY FOR BEING NAMED BLIND WORKER OF THE YEAR.

WHEREAS, Miss Ruth Elizabeth Penny has shown great courage and determination in overcoming her congenital sight defects and going on to graduate from the Alabama School for the Blind in 1932, to work twenty-three years for Goodwill Industries in Birmingham, and to work the past ten years for the Alabama Industries for the Blind in Talladega; and

WHEREAS, Miss Penny's compassion, competence in her chosen fields, consideration, dependability, tolerance, and humility have enriched and inspired the lives of those persons with whom she has been associated over the years, and

WHEREAS, Miss Penny has recently been chosen the 1975 Alabama Industries for the Blind "Blind Worker of the Year", and is now eligible for the National Industries for the Blind's "Peter J. Salmon Award", now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Penny's fine accomplishments which have resulted in her selection as "Blind Worker of the Year", 1975.

BE IT FURTHER RESOLVED THAT Miss Penny be presented with a copy of this resolution.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 9 H.J.R. 11—Robertson, Johnson, Clark, Lee, Owens, Howard

HOUSE JOINT RESOLUTION

COMMENDING BOB KYLE, UPON HIS RETIREMENT, FOR HIS OUTSTANDING ACHIEVEMENTS IN THE JOURNALISTIC FIELD AND HIS MANY YEARS OF SERVICE TO THE COMMUNITY AND THE STATE.

WHEREAS Bob Kyle, in his career as a news reporter, has earned a reputation for accuracy and fairness in his work; and

WHEREAS Bob has contributed unselfishly of his time and consumate ability toward the betterment of schools and P.T.A.'s in Tuscaloosa County, where he is a respected and esteemed member of the community; and

WHEREAS Bob has served as a member of the Tuscaloosa County Jury Board for 36 years since being appointed to the original Jury Commission in 1939, and during this term of service has been instrumental in updating the Tuscaloosa County jury system in the interests of fairness and justice; and

WHEREAS we have all benefited from Bob's abilities as a conscientious reporter and civic-minded citizen, not to mention his delightful talent for fiddle playing; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Bob Kyle for his accomplishments during an illustrious and fruitful career of which he can be justly proud, and that we wish him a happy and contented retirement.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. Bob Kyle, the Tuscaloosa News, the Graphic, and other news media of Tuscaloosa County.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 10 H.J.R. 12—Holmes

HOUSE JOINT RESOLUTION

CONGRATULATING COACH FLOYD LAISURE AND THE ALABAMA STATE UNIVERSITY BASKETBALL TEAM ON THEIR OUTSTANDING SEASON AND THEIR

INVITATION TO THE NCAA DIVISION II REGIONAL BASKETBALL TOURNAMENT.

WHEREAS the Alabama State University Hornet basketball team won their Southern Intercollegiate Athletic Conference Division Title with a fine 8-3 conference record; and

WHEREAS the Hornets have accepted an invitation to participate in the NCAA Division II regional basketball tournament at Chattanooga on March 7, 1975; and

WHEREAS these accomplishments are the result of long hours of practice, dedication, determination, and great athletic ability; and

WHEREAS Coach Floyd Laisure is due much credit for his team's winning spirit as well as the excellence they have displayed in ball-handling, shooting, rebounding and other technical skills of the game; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Alabama State University basketball team for their fine season, and wish them the best of luck in their upcoming tournament play.

RESOLVED FURTHER that copies of this resolution be sent to Mr. Floyd Laisure and to each team member.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 11 H.J.R. 19—Holley, Folmar, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooner, Crawford, Cross, Crowe, Dial Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard,

Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

WISHING REPRESENTATIVE FRANK JACKSON A SPEEDY RECOVERY.

WHEREAS our brother legislator, the Honorable Frank Jackson of Covington County, is presently recovering from an illness and is now hospitalized in Montgomery, Alabama; and

WHEREAS his wise advice and rare good humor are solely missed by his brother legislators; and

WHEREAS the Legislature does not seem the same without him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do wish Representative Frank Jackson a speedy and full recovery and an early return to his seat in the House of Representatives.

BE IT FURTHER RESOLVED That the Clerk of the House send Representative Jackson a copy of this resolution.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 12 H. 2—Gross

AN ACT

Relating to counties having a population of not less than 27,000 nor

more than 27,900 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census, the sheriff shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 13 H. 12—Sparks, Crowe

AN ACT

Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk-hire help for the Tax Assessor and Tax Collector and to provide for the payment of the same for the officers of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act apply to all counties having a population of not less than 16,600 nor more than 16,950 population according to the most recent Federal Decennial Census.

Section 2. In all counties to which the Act applies the Tax Assessor and the Tax Collector shall be entitled to receive $300.00 per month as a clerk-hire allowance for the balance of the year 1975. On January 1, 1976, the said Tax Assessor and Tax Collector shall be entitled to receive not less than $400.00 nor more than $500.00 per month as a clerk-hire allowance. Funds to cover the above allowance shall be deducted from the General Fund of the counties to which this Act applies.

Section 3. This Act shall become effective immediately upon its passage and otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 14 H. 13—Sparks, Crowe

AN ACT

Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Circuit Clerk and to provide for the payment of same and for said officer of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act apply to all counties having a population of not less than 16,600 nor more than 16,950 population according to the most recent Federal Decennial Census.

Section 2. In all counties to which the Act applies the Circuit Clerk shall be entitled to receive $6,000.00 annually as a clerk-hire allowance, the Circuit Clerk shall deduct said allowance on a monthly basis out of the State's part of the fines and forfeitures collected on "rules of the road" cases and pay the same into the County Treasury for payment of said allowance and said allowance shall be in addition to any and all other such allowances heretofore provided by law.

Section 3. This Act shall become effective immediately upon its passage and otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 15 H. 16—Brindley

AN ACT

To repeal Act No. 141, H. 546, 1973 Regular Session, (Acts 1973, p. 171). entitled "An Act Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide further for the clerical assistance of the county tax assessor in such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 141, H. 546, 1973 Regular Session, (Acts 1973, p. 171), entitled "An Act Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide further for the clerical assistance of the county tax assessor in such counties," is hereby repealed.

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 16 H. 17—Brindley

AN ACT

Relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to provide for clerical assistance of the Tax Assessor and Tax Collector in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census, the county governing body is authorized to pay out of the general fund of the county the salaries of one chief clerk for the office of the Tax Assessor and one chief clerk for the office of the Tax Collector of that county. The governing body of any such county shall fix the salaries of such chief clerks at not more than $6,000 per annum each.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 17 H. 18—Falkenburg, Biddle

AN ACT

APPLYING IN EVERY COUNTY OF THE STATE HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, AND TO PROVIDE IN EVERY SUCH COUNTY FOR THE TEMPORARY DETENTION, CARE AND HANDLING OF MENTALLY ILL PERSONS, PENDING FORMAL COMMITMENT PROCEEDINGS TO DETERMINE WHETHER SUCH PERSON SHOULD BE COMMITTED TO THE ALABAMA STATE HOSPITALS.

Be It Enacted by the Legislature of Alabama:

Section 1. SCOPE OF ACT. This Act shall apply to any

County of the State having a population of 600,000 or more according to the last or any subsequent census, and to no other County.

Section 2. DEFINITIONS. As herein used the following words and terms shall have the meanings hereby accorded them: "the county" means any county subject to this Act; "law enforcement officer" means any policeman regularly employed by a municipality within the county or any Sheriff or Deputy Sheriff regularly employed by the county; "hospital" means such hospital with which the County has entered an agreement to provide for the care and evaluation of those persons detained pursuant to the terms of this Act; "within the County" means any place within the boundaries of the County.

Section 3. PURPOSE OF THE ACT. The purpose of this Act is to provide for the care and safety of mentally ill persons where there is reasonable basis for apprehension that such person may injure himself or others, and to provide for an expeditious means of determining the need for detention pending formal commitment proceedings to determine whether such persons should be committed to Alabama State Hospitals.

Section 4. APPREHENSION, DETENTION AND EVALUATION PROCEDURE. When any law enforcement officer has reasonable cause for believing that a person within the County is mentally ill and further believing that such person is likely to endanger himself or others, such law enforcement officer shall take such person into custody and carry him directly to the emergency room of the hospital and there notify the responsible staff member of the hospital who is on duty and in charge of the emergency room that the individual, in the opinion of the law enforcement officer, is mentally ill.

The responsible staff member shall immediately notify a member of the psychiatric staff of the Hospital that a mentally ill person has been received at the Hospital. Said psychiatric staff member shall immediately perform such initial examination and observation which coupled with whatever other information concerning the person's behaviour may be available, will allow him to make a determination as to whether or not to admit the person to the Hospital as a mentally ill patient for further observation and attention.

Upon a determination by said staff member that the person does not require admission to the Hospital the staff member will so advise the enforcement officer and cause the person to be released from the Hospital. Upon such release from the Hospital, the law enforcement officer shall immediately release the person into his own custody unless such law enforcement of-

ficer has some legal cause for detaining such person other than such person's mental condition. If the person is released into his own custody and if requested by the person, the law enforcement officer shall immediately deliver him to his residence or other place of abode if within the County.

Upon a determination by the psychiatric staff member that the mentally ill person should be admitted to the Hospital, said staff member shall proceed with admission of the person to where he shall be detained.

No later than the next business day following the date of admission, the psychiatric staff member shall notify the Probate Judge, or the Assistant Probate Judge, of the County, of the admission to the Hospital of a mentally ill person. The Probate Judge or the Assistant Probate Judge shall immediately arrange a hearing to determine whether the detention of the mentally ill person is based upon probable cause to believe that confinement is necessary under constitutionally proper standards for commitment and that the detention should continue until an inquisition is held.

The probable cause hearing shall be held at the Hospital in a suitable room other than the mentally ill person's quarters. Appropriate street dress shall be made available to each such person if not already available to him. Prior to said probable cause hearing the Probate Court shall furnish adequate notice informing the person (or his counsel) of the time and place of the hearing and of the factual grounds upon which the proposed commitment is predicated and the reasons for the necessity of confinement. The Probate Court shall require that the mentally ill person be represented by counsel at the hearing, which counsel shall be appointed by the Court if necessary. The Probate Court shall require the presence of the mentally ill person at the hearing unless his presence is waived by counsel and approved by the Court after an adversary hearing at the conclusion of which the Court judicially finds and determines that the person is so mentally or physically ill as to be incapable of attending the probable cause hearing. In no event may detention in the absence of a probable cause hearing exceed seven (7) days from the date of the initial detention.

If the Court finds and determines that there is no probable cause to detain the person, as stated above, the Court shall immediately cause the person to be dismissed from the hospital and released provided, however, if criminal charges have been placed against the individual and the hospital has been so notified by the Probate Judge, the hospital shall release the person into the custody of the appropriate law enforcement officer.

If the Court determines there is probable cause to detain the person pending a full hearing on the need for commitment, the Court shall issue a mittimus or commitment of the person to the Hospital until said proceedings may be held as provided by law. Provided, however, such proceedings shall be held within a reasonable time following initial detention, but in no event sooner than will permit adequate preparation of the case by counsel, or later than thirty (30) days from the date of the initial detention.

Section 5. CONFLICTING LAWS REPEALED. All laws and parts of laws whether general, local or special in conflict with any part of this Act are hereby repealed to the extent of any such conflict.

Section 6. SEVERABILITY CLAUSE. The provisions of this Act are severable. If any part of this Act be declared invalid or unconstitutional, such declaration shall not affect the remaining parts of the Act.

Section 7. EFFECTIVE DATE. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 18 H. 23—Gafford, Biddle, Falkenburg, Andrews, White, Trammell, Hopping, Porter, Hall, Tucker, Waggoner, Armstrong, Jolly, Hilliard, Howard, Jackson (R), Leonard, Moore (O), Boles

AN ACT

To amend further Section 6 of Act No. 556, H. 994, Regular Session 1959 (Acts 1959, p. 1376), as heretofore amended, which establishes a pension and relief system or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, which act established a pension system for officers and employees in cities having populations of 250,000 or more; so as to provide that firemen and policemen who have completed thirty years of creditable service shall not be required to contribute to the retirement and relief fund; to provide that all contributions paid into such fund by any fireman or policeman after he has completed thirty years of creditable service shall be refunded to him in a lump sum without interest; to provide that the city shall not be required to contribute matching funds to the retirement and relief fund for any fireman or policeman who has completed thirty years of creditable service.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend further Section 6 of (Act No. 556, H. 994, Regular Session 1959, p. 1376), as heretofore amended, which act establishes a pension and relief system or retirement and relief system for certain firemen and policemen in cities having populations of 250,000 or more, is hereby amended to read as follows:

"Section 6. Retirement and Relief Fund. (a) For the purpose of the deductions from salary provided for in this Section 6 the salary of a fireman or policeman shall be deemed to be the same as his salary is for the purpose of payroll deductions provided for in Section 9 of Act No. 929, as heretofore or hereafter amended.

"(b) At the end of each payroll period subsequent to the effective date of this act, the city shall deduct from the salary of each fireman or policeman for such payroll period an amount equal to two and 35/100 percentum (2.35%) of his salary for each such payroll period. Provided that such deduction shall not be required when a fireman or policeman has thirty (30) years of creditable service with the city. Provided further that any such deductions which have heretofore been made from the salary of any fireman or policeman after he has completed thirty (30) years of creditable service shall be refunded to him in a lump sum without interest.

"(c) The city shall promptly pay each and every deduction of salary provided for into a retirement and relief account hereinafter referred to as 'the fund.' At the same time the city pays into the fund any deduction from the salary of any employee member, the city shall match such deduction by paying into the fund from its general and other appropriate funds an amount equal to the full amount of such deduction. Provided that the city shall not be required to match any deduction from the salary of any fireman or policeman who has thirty (30) years of creditable service.

The city comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the fund. This fund shall include all assets of the fund in any form, and the city comptroller shall be ex-officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount

of monies and securities in his custody or possession, but in no event in excess of ten percent (10%) of the total assets of the fund, payable to the board and conditioned for faithful performance of the duties and for faithful accounting to the board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the board, shall be paid out of the fund upon order of the board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the board. The board may select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the board may deem proper, and the board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The board is authorized to accept and receive gifts, donations or legacies for the fund, and to administer same against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed prima facie, to speak the truth."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Time: 3:00 P.M.

Approved March 10, 1975.

Act No. 19 H. 29—Waggoner

AN ACT

To provide that, in any county of the State having a population of 500,000 or more according to the last or any succeeding Federal census, when the governing body of the county is satisfied that a claim against the county supported by an invoice itemizing such claim is a just claim and is owing by the county, the governing body may pay the claim without said claim being verified under oath.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to any county of the State having a population of 500,000 or more, according to the last or any succeeding Federal census, and to no other county. As herein used the term "the county" means any county subject to this Act.

Section 2. It is hereby provided that when the governing body of the county is satisfied that a claim against the county supported by an invoice itemizing such claim is a just claim and is owing by the county, the governing body may pay the claim without such claim being verified under oath. Such governing body, however, is authorized to require that as a condition to paying any claim the claim be verified under oath by the claimant or by another person having personal knowledge of the facts on which the claim is based.

Section 3. All laws, or parts of laws, whether general, special or local, in conflict with this Act are hereby repealed to the extent of such conflict.

Section 4. This Act shall be effective on its approval by the Governor or on its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 20 H. 42—Reed

AN ACT

Relating to Macon County: Authorizing the county commission or other like governing body of Macon County to hire, retroactive at its discretion, up to four deputy circuit court clerks; and prescribing the qualifications and salary limitation on said clerks.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission or other like governing body of Macon County may hire, retroactive at its discretion to October 1, 1973, four deputy circuit clerks for the circuit court of Macon County. Such clerks shall serve under the direct supervision of the circuit clerk of Macon County. Salaries for said clerks shall be set by said commission at not more than $8,000 annually and shall be commensurate with the qualifications and experience of said clerks. Such annual salaries shall be paid in equal monthly payments from the county general fund.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 21 H. 44—Wyatt, Plaster, Lewis, Holmes, Harris

AN ACT

To permit banks now or hereafter situated in counties having populations of not less thon 150,000 nor more than 180,000 according to the most recent federal decennial census, to establish, maintain or operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 150,000 nor more than 180,000 according to the last or most recent federal decennial census.

Section 2. Any bank, whether incorporated or unincoporated, within this state, now or hereafter situated within any such county shall have the power to establish, maintain, and operate within the limits of said county, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks.

Section 3. The provisions of Code of Alabama 1940, Title 5, Section 125, which conflict with this act are specifically repealed as to the counties to which this act applies, and all other laws, general or local in conflict herewith are also repealed as to such county.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 22 H. 47—Hines

AN ACT

To provide a secretary for the District Attorney of the Circuit Court serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Circuit Court serving Escambia County is hereby authorized and empowered to appoint a secretary, who shall serve at the pleasure of the District Attorney and shall perform such duties as the District Attorney may direct, and who may be removed from office at any time by the said District Attorney. The salary of such secretary shall be fixed by the District Attorney at a sum of not less than $350.00 and not more than $450.00 per month. The salary of said secretary may be raised above $450.00 per month from time to time with approval of the District Attorney and county governing body. Such salary shall be paid out of the county treasury of said county as the salaries of other county officers and employees are paid.

Section 2. Any such secretary of the said District Attorney is hereby empowered, when so directed by the District Attorney, to attend the grand juries of said county; to prepare indictments, and documents arising therefrom; to transcribe witnesses' testimony heard by said grand jury in said county and to administer oaths in connection therewith or in any other investigations being conducted by the said District Attorney's office.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the month beginning after the passage and approval of this act by the Governor or its otherwise becoming law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 23 H. 48—Venable, Plaster

AN ACT

Relating to all counties having populations of not less than 30,000 nor more than 33,575, acording to the most recent federal decennial census; validating amounts expended by the county board of education as payment to the county superintendent of education for compensation and travel expense during the period September 1, 1971 through June 30, 1973.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 30,000 nor more than 33,575, according to the most recent federal decennial census, all expenditures made by the county board of education to the county superintendent of education as payment for compensation and travel expense during the period September 1, 1971 through June 30, 1973 are hereby validated and approved.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 24 H. 49—Venable, Plaster, Smith (C), Lockett

AN ACT

Relating to the 19th judicial circuit; to provide for additional expense allowance for the court reporter in said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The court reporter of the 19th judicial circuit shall receive an additional expense allowance in the amount of $3,000.00 per annum which shall be in addition to any and all other compensation, salary and expense allowances provided for by law and which shall be paid in monthly installments from the same county funds as the other compensation of court reporters in said circuit is paid. Each county comprising the 19th judicial circuit shall pay its pro rata share thereof, upon

the basis of the assessed tax valuation of all property in such county for the preceding year.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 25 H. 50—Folmar

AN ACT

Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission or other like governing body of all counties having a population of not less than 24,900 nor more than 25,150, according to the most recent federal decennial census, is hereby authorized and directed to provide the Judge of the Inferior Court of such county with an expense allowance of $400.00 per month to cover the expenses incurred in maintaining his office and in the performance of his duties. Such expense allowance shall be in addition to any and all other compensation and allowances provided by law and shall be paid from the general fund of the county on requisitions signed by the Judge of the Inferior Court.

Section 2. The County Commission or other like governing body of all counties having a population of not less than 25,150, according to the most recent federal decennial census, is hereby authorized and directed to provide the County Solicitor of any such county with an expense allowance of $200.00 per month to cover the expenses incurred in maintaining his office and in the performance of his duties. Such expense allowance shall be in addition to any and all other compensation and allowances provided by law, and shall be paid from the general fund of the county on requisitions signed by the County Solicitor.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:55 P.M.

Act No. 26 H. 52—Cates

AN ACT

To authorize establishment of branch banks in Butler County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, whose principal place of business is located in Butler County shall have the power to establish, to maintain, and to operate within the limits or boundaries of such county one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 27 H. 56—Crowe, Sparks

AN ACT

To provide expense allowances for members and officers of the Court of County Commissioners boards of Revenue and other like County governing bodies, in certain Counties classified on a population basis, and validates certain Expenditures already made.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act applies to Counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census.

Section 2. Any expense allowances paid to members of the Court of County Commissioners, boards of Revenue or other like governing bodies prior to July 1st, 1974 under Act Number 134 of the 1969 Legislature of Alabama are hereby validated.

Section 3. The associate members of the Court of County Commissioners, boards of Revenue or other like governing body shall be entitled to $300.00 per month expense allowance in addition to any Compensation already provided by law. The presiding Judge, president or Chairman of the County governing body shall be entitled to $400.00 per month expense allowance in addition to any Compensation already provided by law. The provisions of this section shall be retroactive to July 1st, 1974, and the expense herein provided shall be paid by warrant drawn on any funds in the county treasury available for such purpose according to law.

Section 4. This Act shall become effective upon its passage by the Legislature of Alabama and the Signature of the Governor, or otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 28 H. 58—Campbell, Manley

AN ACT

To amend Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, p. 187), as amended, which act provides for the maximum compensation of the county engineer of Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947), p. 187), as amended, is hereby further amended to read as follows:

"Section 8. COUNTY ENGINEER. The Board of Commissioners shall appoint a county engineer in accordance with Title 12, Section 67 of the 1940 Code. The engineer shall serve at the will and pleasure of the board and shall be paid a salary to be determined by the Commission. Subject to general supervision and control by the Board of Commissioners, the engineer shall have charge of the construction and maintenance of all county roads and bridges. The county engineer shall have the power, and it shall be his duty to: (1) employ, and have charge of the compensation for such workmen, laborers, and overseers

as are necessary to construct, repair and maintain the roads and bridges of the county; (2) supervise and control the location, placement, use, operation, and disposition of all road and bridge materials, supplies, tools, machinery, and equipment; (3) Make recommendations concerning the location and extent of road and bridge construction and maintenance projects; (4) perform such engineering and surveying services as may be required by the Board of Commissioners; (5) Maintain adequate accounting records; (6) perform such other duties as may be necessary in the operation of the county highway system. The county engineer shall utilize the road equipment, materials, and labor force in accordance with the needs of the entire county for road construction and maintenance, without regard to any district boundaries."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 29 H. 59—Campbell, Manley

AN ACT

Relating to Sumter County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Sumter County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 30 H. 61—Manley, Pegues

AN ACT

To repeal Act No. 31, S. 104, approved September 23, 1965, Second

Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 31 H. 65—Malone, Glass, Sonnier, Cooper, McCulley, Sandusky, McMillan, LeFlore

AN ACT

To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than $2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establish-

ment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Purpose and Legislative Findings. The Legislature has found and determined and does hereby

declare that in municipalities having a population of not less than 175,000 nor more than 250,000 the following conditions exist: (a) that the constant growth of private vehicular traffic in such counties is placing excessive burdens upon the road systems and parking facilities, especially in commercial and industrial districts and in areas of high population density; (b) that the continued economic growth of such municipalities and the general health and welfare of the citizens of such counties require the availability of public facilities for mass transportation; and (c) that it is necessary and desirable and in the best interests of the citizens of such municipalities that provisions be made for the establishment in such counties of public corporations to provide public transportation service. The legislature does hereby further declare its intention, by the passage of this Act, to promote public mass transportation in such municipalities through the authorization of public corporations, as agencies of the State of Alabama, with the powers conferred by this Act.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein.

"Applicant" means a natural person who files a written application with the governing body of any municipality to which this Act applies all in accordance with the provisions of Section 4 hereof.

"Authority" means a public corporation organized pursuant to the provisions of this Act.

"Authorizing municipality" means any municipality the governing body of which shall have adopted an authorizing resolution.

"Authorizing resolution" means a resolution, adopted by the governing body of any municipality to which this Act applies all in accordance with the provisions of Section 4 hereof, that authorizes the incorporation of an Authority.

"Board" means the board of directors of an Authority.

"Bonds" means and shall include bonds, notes and certificates representing an obligation to pay money.

"Chief executive officer" means, with respect to any municipality, the mayor, president of the board of commissioners or other chief executive officer of such municipality.

"County" means any county in the state.

"Director" means a member of the board of directors of the Authority.

"Governing body" means court of county commissioners, board of revenue, or other like governing body with respect to a municipality, its city or town council, board of commissioners, or other like governing body.

"Incorporators" means the persons forming a public corporation organized pursuant to the provisions of this Act.

"Labor union" means any organization of any kind in which employees participate for the purpose of dealing with one or more employers concerning grievances, labor disputes, wages, rates of pay, hour of employment or conditions of work.

"Municipality" means an incorporated city or town of the state.

"Person", unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

"Principal office" means the place at which the certificate of incorporation and amendments thereto, the by-laws, and the minutes of proceedings of the board of an Authority are kept.

"Property" means and includes real and personal property, and interests therein.

"Public transportation service" means and includes all service involved in the transportation of passengers for hire by means of street railway, elevated railway, subway, underground railroad, motor vehicles or other means of conveyance generally associated with or developed for mass surface or sub-surface transportation of the public, but does not include any service involved in transportation by taxicab, airport limousine or industrial bus.

"Transit system" means and includes land, plants, systems, facilities, buildings, garages, vehicles of all types, rails, lines and any combination of any thereof, used or useful or capable of future use in furnishing public transportation service, and all other property deemed necessary or desirable by an Authority for use in furnishing public transportation service.

"State" means the State of Alabama.

Section 3. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely

to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. Filing of Application; Authorization of Incorporation by Governing Body of Authorizing County. A public corporation may be organized pursuant to the provisions of this Act in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census. In order to incorporate such a public corporation, any number of natural persons, not less than three, shall first file a written application with the governing body of the municipality which application shall:

(1) Contain a statement that the Authority proposes to render public transportation service in such county;

(2) State the proposed location of the principal office of the Authority, which shall be within the municipality where such application is filed;

(3) State that each of the applicants is a duly qualified elector of the municipality where such application is filed; and

(4) Request that such governing body adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Such applications shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with them in accordance with the provisions of this section, the governing body of the municipality with which the application was filed shall review the contents of the application and shall adopt resolutions either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof. Each governing body with which an application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken.

Section 5. Procedure to Incorporate Contents and Execu-

tion of Certificate of Incorporation. Within forty (40) days following the adoption of an authorizing resolution by the governing body the applicants shall proceed to incorporate an Authority by filing for record in the office of the Judge of Probate of the county in which the municipality is located, a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the authorizing municipality;

(2) The name of the Authority (which shall be "_____ Transit Authority", with the insertion of the name of the authorizing municipality);

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 20 hereof, that fact shall be stated);

(4) The name of the authorizing municipality, together with the date on which the governing bodies thereof adopted authorizing resolutions:

(5) The location of the principal office of the Authority, which shall be in the authorizing municipality;

(6) That the Authority is organized pursuant to the provisions of this Act for the purpose of supplying public transportation service in the authorizing municipality and in the county and in any other municipality in the county in which the authorizing municipality is located and in any other county in the state; and

(7) Any other matter relating to the Authority that the incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the governing body of the authorizing municipality in accordance with the provisions of Section 4 hereof, (b) a certified copy of the authorizing resolution adopted by the governing body of the authorizing municipality and (c) a certificate by the Secretary of State that the name proposed for the Authority

is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Authority shall come ino existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

Section 6. Amendments to Certificate of Incorporation. The certificate of incorporation of any Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section. The board of directors of the Authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign and file a written application in the name of and on behalf of the Authority, under its seal, with the governing body of the authorizing municipality, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman or other chief executive officer may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the authorizing municipality pursuant to the foregoing provisions of this section, such governing body shall review the said application and shall adopt resolutions either denying the said application or authorizing the proposed amendment. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon said application is taken.

Within forty (40) days following the adoption of a resolution approving the proposed amendment by that governing body the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate of the

county in which the municipality is located, a certificate in the name of and in behalf of the Authority, under its seal, reciting the adoption of said resolution by the board and by the governing body of the authorizing municipality and setting forth the said proposed amendment.

Section 7. Board of Directors. Each Authority shall be governed by a board of directors. All powers of the Authority shall be exercised by the board or pursuant to its authorization. The board shall consist of six (6) directors. Each director shall be elected by the governing body of the authorizing municipality. The initial term of office of three of the directors elected by the governing body of the authorizing municipality shall begin immediately upon their election and shall end at 12:01 o'clock A.M., on the second anniversary date of the filing for record of the certificate of incorporation of the Authority. The initial term of office of the remaining directors elected by the governing body of the municipality shall begin immediately upon their election and shall end at 12:01 o'clock, A.M., on the fourth anniversary date of such filing. Thereafter, the term of office of each such director shall be six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the authorizing municipality. Each election of a director, whether for a full term or to complete an unexpired term, shall be made not earlier than thirty days prior to the date on which such director is to take office as such. No officer or employee of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director. Each director must be a duly *qualified elector* of the authorizing municipality. Directors shall be eligible for re-election. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chairman of the board shall be compensated in an additional amount not to exceed $10 per meeting attended but not to exceed $250 per year. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed $500 per year. Any director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 8. Powers of Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the dura-

tion of time (which may be perpetual, subject to the provisions of Section 20 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties or municipalities and whether located within or outside the authorizing municipality;

(6) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder;

(7) To plan, establish, develop, acquire, purchase lease, construct, reconstruct, enlarge, improve, maintain, equip and operate transit systems, whether located in one or more municipalities within the state; and without any requirement that such transit systems be interconnected or otherwise constitute an integrated operational unit, and to acquire real and personal property, franchises and easements deemed necessary or desirable in connection therewith;

(8) To provide public transportation service within the state in any part thereof, upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

(9) To sell and issue bonds of the Authority in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely from the sources specified in Section 10 hereof;

(10) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any transit system or any part thereof, that may be acquired by the Authority, any obligation so assumed to be payable by the Authority solely from the sources from which bonds of the Authority may be made payable pursuant to the provisions of Section 10 hereof;

(11) To pledge for payment of any bonds issued or obligations assumed by the Authority any revenues from which those bonds or obligations are made payable as herein provided:

(12) To execute and deliver, in accordance with the provisions of this section and of Sections 10 and 11 hereof, mortgages and deed of trust and trust indentures, or either;

(13) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 19 of the Code of Alabama of 1940, as amended, provided however, that this clause shall not be deemed to authorize the Authority to acquire, without the consent of the owner or owners thereof, any transit system from which public transportation service is at the time being furnished;

(14) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama, as amended, that might otherwise be applicable, but only where the expenditure involves less than $2,000;

(15) Without regard to any provisions of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama, as amended, or any law establishing a civil service or merit system that might otherwise be applicable, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents. Including but without limitation to engineers, attorneys, management consultant, and fiscal advisers, as the business of the Authority may require and at it option to provide a system of disability pay, employees insurance, retirement compensation and pensions, or any of them;

(16) To make and enforce reasonable rules and regulations governing the use of any transit system owned or controlled by the Authority;

(17) To provide for such insurance as the board may deem advisable;

(18) To invest any funds of the Authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest bearing bank deposits, or any thereof;

(19) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state and to make such contracts with them, or any of them, as the board

may deem advisable to accomplish the purposes for which the Authority was established;

(20) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any transit system of the Authority;

(21) To sell and convey, with or without valuable consideration, any of its transit systems or any portion of any thereof, to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the system, or portions thereof, so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made only with the consent of the authorizing municipality, such consent to be evidenced by a resolution adopted by the governing body of such municipality, and (b) only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the Authority is a party;

(22) To enter into collective bargaining agreements with all or any part of the employees of the Authority or with any groups or associations representing such employees;

(23) To enter into a management agreement or agreements with any person for the management by or for the Authority of any transit system upon such terms and conditions as may be mutually agreeable; and

(24) To require that all laborers and mechanics employed by contractors or sub-contractors in the performance of construction work for the Authority be paid wages at rates not less than those prevailing on similar construction in the locality where such work is performed as determined by the United States Secretary of Labor or any department, agency or instrumentality of the United States or of the state;

(25) In the event the Authority shall acquire an existing transit system to enter into such arrangements as may be necessary to protect the interest of employees of such acquired system including, without limiting the generality of the foregoing, (a) the preservation of rights, privileges and benefits (including continuation of pension rights and benefits under existing collective bargaining agreements or otherwise), (b) the continuation of collective bargaining rights, (c) the protection of individual employees against a worsening of their positions with respect to their employment, (d) assurance of employment to such employees of acquired transit systems and priority of

re-employment of such employees terminated or laid off, and (e) paid training and retraining programs.

(26) To fix and revise from time to time reasonable rates, fees and other charges for public transportation service furnished or to be furnished by any transit system owned or operated by the Authority, and to collect all charges made by it.

Section 9. Rates and Charges. Rates, fees and charges for public transportation service rendered by the Authority from any of its transit systems shall be fixed and from time to time revised as at all times to provide funds that, when added to all other revenues (including tax proceeds) anticipated to be received by the Authority, will be at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the systems from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from operation of those systems, as the said principal and interest become due and payable; (c) to create and maintain such reserve for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such system, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies, and political subdivisions of the state and any public corporations organized under the laws of the state as the Authority may have contracted to make.

Section 10. Bonds of Authority. All bonds issued by the Authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the chairman of its board or other chief executive officer: provided, that a fascimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lie of his manually signing the same. a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and

of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by its board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. Any bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely from that one or combination of the following sources as may be set forth in any resolution of the board authorizing the issuance of such bonds: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of the state or by or pursuant to any ordinance, resolution or order of the county in which the Authority is authorized to furnish public transportation service or any municipality located in such county, and (b) the revenues derived from the operation of all transit systems owned by the Authority of solely out of the revenues from the operation of any one or more of such systems or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular systems of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust inden-

ture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the transit systems, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 11. Contracts to Secure Bonds and Assumed Obligations. As security for payment of the principal of and the interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any transit system owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such system, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such system, when added to all other moneys of the Authority available therefor, will be sufficient to operate such system, maintain the same in good repair and in good operating condition, pay the principal of and the interest on any bonds payable from such revenues, and maintain such reserve as may be deemed appropriate for the protection of the bonds, the efficient operation of such system, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust, or trust indenture made by the Authority hereunder.

Section 12. Statutory Mortgage Lien. Any resolution of the board or trust indenture under which bonds may be issued pursuant to the provisions of this Act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the transit systems, or any thereof (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board or the said trust indenture may provide for the filing for record in the office of

the Judge of Probate of each county in which any part of such transit system, or any thereof, may be located of a notice containing a brief description of such systems, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such systems, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 13. Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of acquiring or constructing all or any part of a transit system interest on such bonds (or, if a part only of any series of bonds is issued for acquisition or construction purposes, interest on that portion of the bonds of that series that is issued to pay such acquisition or construction costs) prior to and during such acquisition or construction and for not exceeding one year after completion of such acquisition or construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 14. Cooperation; Aid from other Public Bodies. For the purpose of securing public transportation or aiding or cooperating with the Authority in the planning, development, undertaking, construction, acquisition, extension, improvement, operation or protection of transit systems, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or without consideration, as it may determine; (a) lend or donate money to, or perform services for the benefit of, the Authority; (b) donate, sell, convey, transfer, lease or grant to the Authority, without the necessity of authorization at any election of qualified voters, any property or any kind, including, but without limitation, any transit systems, any interest in any thereof, and any franchise; (c) provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by it for public transportation

service or for the support of transit systems, be transferred or paid directly to the Authority as such funds become available; and (d) do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that may be necessary or convenient to aid and cooperate with the Authority in the planning, undertaking, construction, acquisition, or operation of transit systems.

Section 15. Exemption from Taxation. The property and income of the Authority, all bonds issued by the Authority, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that an Authority may engage in. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

Section 16. Freedom of Authority from Public Service Commission and Other State Supervision and Control. This Act is intended to aid the state in the execution of its duties by providing appropriate and independent instrumentalities of the state with full and adequate powers to fulfill their functions. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of any Authority or the amendment of its certificate of incorporation, the acquisition of any property or transit system, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, every transit system of the Authority, any public transportation service provided by the Authority, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority.

Section 17. Use of Public Roads. Each Authority is hereby authorized to use the rights-of-way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of said county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama; provided, however, that nothing herein shall be construed to exempt any Authority from the requirements of Section 28 of Title 23 of the Code of Alabama of 1940; and pro-

vided further, that the said Authority shall have the duty to restore at its expense all roads, highways and public rights-of-way in which it may have made excavations or done other work in constructing a transit system or performing any of its other corporate functions.

Section 18. Annual Budgets and Audits Required. Within thirty (30) days of the beginning of the fiscal year of an Authority, the board shall adopt a budget for such fiscal year. Any such budget may be amended by a resolution of the board from time to time and at any time. Within thirty (30) days following the close of each fiscal year the Authority shall cause an audit of its books and records to be made for such fiscal year by an independent certified public accountant. Within ninety (90) days following the close of each fiscal year the Authority will furnish a copy of such audit to the governing body of the authorizing municipality.

Section 19. Employee Membership in Union Permitted; Civil Service or Merit Systems Not Applicable. Any employee of the authority may join or participate in a labor union. No employee of the Authority shall be subject to the provisions of any civil service or merit system or to the rules or regulations of any personnel board that might otherwise be applicable.

Section 20. Dissolution of Authority and Vesting of Property. At any time when the Authority has no bonds or other obligations outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the Judge of Probate of the county in which the authorizing municipality is located, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all is properties shall thereupon pass to, and be divided and apportioned as follows: title to real estate shall vest in the county or municipality, as the case may be, in which the said real estate is located, and the title to tangible personal property (including cash on hand and in banks), accounts receivable, choses in action, and other intangible property (other than intangible interest in land) shall vest in the authorizing municipality.

Section 21. Employee Protective Provisions.

(a) The rights, benefits and other employee protective conditions and remedies of section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor, shall apply to the operation by the Authority of any public transportation service

and to any contract or other arrangement for the operation of such service. If the Authority acquires an existing transit system, the Authority shall assume and observe all existing labor contracts and pension obligations. All employees of such system (except executive and administrative officers) shall be transferred to and appointed as employees of the Authority, subject to all rights and benefits of this section. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transit system. The Authority shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds, presently under the joint control of the acquired transit system and the participating employees through their representatives, transferred to a trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transit system who is transferred to a position with the Authority shall, by reason of such transfer, be placed in any worse position with respect to Workmen's Compensation, unemployment compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employee of such acquired transportation system.

(b) Prior to commencing to operate any public transportation service, or entering into any contractual or other arrangement for the operation of such service, the Authority shall take such action as may be necessary to extend to the employees of the transit system, in accordance with seniority, the first opportunity for reasonable comparable employment in any new jobs in respect to such operations for which they can qualify after a reasonable training period. The wages, hours, and working conditions for employees assigned to such new operations shall be a proper subject of negotiation with the labor organizations representing the employees of the transit system. Whenever any labor dispute arises in the operation of any public transportation service operated by or for the Authority, and collective bargaining does not result in an agreement, the Authority shall offer to submit such dispute to final and binding arbitration by a board composed of three (3) persons, one appointed by the Authority, one appointed by the representative of the employees, and a third member, who shall serve as chairman, to be selected from a current listing of the membership of the National Academy of Arbitrators by agreement of

the parties, or in the absence of such agreement, by obtaining a listing of seven (7) such members of the National Academy from the American Arbitration Association and by alternately striking a name from the list so supplied until only one name remains. The representatives of the employees and the Authority shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own cost.

(c) Notwithstanding any other provisions of law, the Authority shall make deductions from wages and salaries of its employees upon receipt of authorization therefor for the payment of union dues, fees, or assessments, for the payment of contributions pursuant to any health and welfare plan or pension plan, or for any other purpose for which deductions may be authorized by employees of any private employer, where such deductions are pursuant to a collective bargaining agreement entered into or assumed by the Authority.

Section 21-A. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or held by railroads or utilities, both public and private.

Section 22. Existence of an Authority Prevents Incorporation of Another by the Same County. The existence of an Authority incorporated under the provisions of this Act, shall prevent the subsequent incorporation hereunder of another Authority in the same county.

Section 23. Severability. The provisions of this Act are severable. In the event any section, clause or provision hereof shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other section, clause or provision hereof.

Section 24. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 10, 1975.

Time: 3:00 P.M.

Act No. 32 H. 68—Callahan, Sandusky, Sonnier, Kennedy, LeFlore, Cooper, Glass, Johnstone, Malone, McMillan, McCulley.

AN ACT

To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegations from all counties in this state having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties in this state having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Section 2. The governing body of any county to which this act applies may jointly with the governing bodies of any incorporated municipalities within such county provide office accommodations for the members of the state legislative delegation from such county and also provide secretarial assistants to such legislative delegation. The largest city in any such county shall provide the office space and the telephone for the office, or at least the price thereof with the advice and consent of the delegation as to its location. The other incorporated municipalities in any such county shall each pay eight cents per capita to cover other expenses of maintaining and operating such offices. Any such county shall provide for two clerical or stenographic assistants for the legislative delegation. Such assistants may in the discretion of the county governing body, but need not be members of any county, city or state merit or retirement system, if such system exists. Each of such assistants shall receive a salary of not less than $400.00 nor more than $900.00 a month, the exact amount of the compensation for each of such secretarial assistants shall be fixed by the members of the legislative delegation, subject to approval by the county governing body.

Section 3. The members of the legislative delegation from any county to which this act applies shall designate a treasurer to handle the funds hereinabove provided for the operation and maintenance of such office and for the payment of the salaries of clerical assistants. Such treasurer may be either a member of the legislative delegation or one of the secretarial assistants hereby provided for. All funds authorized to be paid by the county or by any municipality therein for the purposes hereinabove provided for shall be paid to such treasurer of the legislative delegation.

All receipts and expenditures must be duly recorded in proper accounting books. These ledgers shall be available for public inspection at all reasonable times but with no more than a two day delay from the time of a request.

Three members of the delegation shall be appointed as a committee to audit financial records on an annual basis.

Section 4. All laws or parts of laws, general, local or special, which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 33 H. 69—Callahan, Crowe, McCluskey, Cooper McCorquodale, Johnstone, McMillan, Kinsey, Glass Malone, Sonnier, McCulley, LeFlore, Sandusky, Waggoner, Biddle, Kennedy

AN ACT

To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 38, Section 77, as amended, is hereby amended further to read as follows:

"Section 77. Pay of Pilots. — The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates, for actual draft of water at the time of pilotage: For every vessel crossing the outer bar of Mobile Bay the sum of *$12.375* per *draft* foot, provided, however, the minimum pilot fee shall be computed on a minimum draft of ten feet regardless whether or not such vessel has a draft of less than ten feet at the time of pilotage. In addition to the pilotage fee based on draft of said vessel there shall also be paid to said pilot the following pilotage fees. On said vessels with a length overall not in excess of 499 feet, *$45.00;* on said vessels with a length overall in excess of 499 feet, but not in excess of 599 feet, *$60.00;* on said vessels with a length overall

in excess of 599 feet, but not in excess of 699 feet, *$75.00;* on said vessels with a length overall in excess of 699 feet, but not in excess of 799 feet, *$90.00;* on said vessels with a length overall in excess of 799 feet, but not in excess of 899 feet, *$105.00;* on said vessels with a length overall in excess of 899 feet, but not in excess of 999 feet, *$120.00;* on said vessels with a length overall in excess of 999 feet, *$135.00.* Vessels trading between any domestic port on the Gulf of Mexico and the port of Mobile, drawing seven feet or less of water shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. All laws or part of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 34 H. 74—Falkenburg

AN ACT

To further amend Sections 8 and 9 of Act No. 556 of the Regular Session of the Legislature of Alabama, approved November 19, 1959 (Acts of Alabama of 1959, pages 1376 et seq., which Act provides for a supplemental pension and relief system for firemen and policemen who are members of any general pension and relief system established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951), as amended by Act No. 98, First Special Session of the Alabama Legislature, approved August 25, 1964, by Act No. 490, Regular Session of the Alabama Legislature, approved September 7, 1967, and by Act No. 1214 of the Regular Session of the Alabama Legislature, approved September 18, 1973, so as to provide in said Section 8 for payment to the widow of any deceased retiree under said supplemental system a monthly widow's allowance equal to forty-five per centum (45%) of such retiree's monthly retirement allowance immediately prior to death, and so as to provide in said Sections 8 and 9 for certain additional administrative procedures for determination of the amount of salary at retirement, for return of contributions and renewed membership upon re-employment of a retiree, for the times when the required instrument for return of contributions may be executed and for an offset of any debt owed to the supplemental system against such widow's allowances, and further, for the deletion from said Section 8 of certain administrative procedures already accomplished.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of said Act No. 556 of the Regular Session of the Legislature of Alabama, approved November 19,

1959 (Acts of Alabama of 1959), pages 1376, et. seq.) as heretofore amended, is amended to read as follows:

"Section 8. *Retirement Allowance and Widow's Allowance.* (a) The words, terms and phrases used in this Section 8 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended. Any policeman or fireman granted a voluntary retirement allowance under Act No. 929 on less than thirty (30) years creditable service, the payment of which allowance shall commence when he would have had thirty (30) years creditable time had he not retired, shall receive from the fund of the System created by this Act a monthly retirement allowance each month between the date on which he retires from service and the date on which he would have accumulated thirty (30) years creditable time had he not retired, which monthly retirement allowance shall be in an amount equal to fifty percent (50%) of his final average salary at the time of his retirement, plus one-half of one percentum (½ of 1%) of his final average salary multiplied by the number of years of his creditable time in excess of twenty (20) years of his creditable time. The payment of the retirement allowance provided for hereby shall cease on the date on which such fireman or policeman would have accumulated thirty (30) years creditable time in the General Retirement Relief System, created by Act No. 929, had he continued to serve from the date of his retirement.

(b) For the purpose of computing retirement pay, an employee shall be deemed to earn, or to have earned, salary at the same rate of salary as that which he shall be deemed to earn, or to have earned, salary for the purpose of deductions from salary under Section 6. The Board may treat the end of the payroll period next before actual date of retirement of an employee member as the date of his retirement for purposes of computation, and, for such purposes, may disregard a fraction of a year of creditable time less than one-fourth (¼).

(c) If, after any person shall have retired or been retired as hereinabove in this section provided, and the amount of his retirement allowance shall have commenced to accrue, he should be reemployed in the service and again become a member of the system under the terms of the system, he shall again contribute to the fund as in the case of any other member, and accrual of the amount of his retirement allowance shall be suspended during the period of his renewed employee membership, and upon any subsequent voluntary or involuntary retirement from the service the amount of his former retirement allowance shall again commence to accrue at the same rate as formerly, and he shall be entitled to allowance of such

additional amount, if any, as his additional paid membership time may have earned for him.

(d) This subsection (d) shall not apply to the widow of any fireman or policeman who has not executed within the time hereinafter specified an instrument which shall provide that in the event of his death the Board of Managers of this Supplemental Pension System shall receive the return of any contributions made by him to this Supplemental Pension System and to the General Retirement and Relief System created by Act No. 929, which if he had not executed said instrument would be returnable to his severance nominee, his personal representatives, his spouse, children, father, mother, sisters or brothers of the deceased, or to any other person. To render this section applicable the fireman or policeman may execute the said instrument at any time prior to his having accumulated as much as twenty (20) years creditable time under Act No. 929. Such instrument when executed shall be revocable by the fireman or policeman executing the same until he has accumulated at least twenty (20) years creditable time under Act No. 929; but thereafter said instrument shall be irrevocable. Any instrument executed hereunder shall not be effective to authorize the Board of Managers to receive any return of contributions under this Act or under Act No. 929 unless the fireman or policeman executing the same has accumulated at least twenty (20) years of creditable time under Act No. 929 prior to his death.

The Board of Managers shall adopt rules prescribing the form of the instrument and the number of copies to be executed.

If a fireman or policeman after retiring under this Section 8 dies before the date on which the pension system established under Act No. 929 becomes obligated to commence paying him a retirement allowance for length of service, then upon his death his widow at the time of his death, without regard to the time during which the marriage existed, shall be entitled to receive from the fund established by this Act as a monthly widow's allowance an amount equal to forty-five per centum (45%) of the amount of monthly allowance her husband was receiving immediately prior to his death from the pension system established by this Act. No widow eligible for a widow's allowance under any provision of Act No. 929 shall receive any allowance under this subsection (d). Any debt or liability of an employee member under Act No. 929 which has been offset against and deducted from the return of contributions paid by the General Retirement and Relief System created by said Act No. 929 to the Supplemental Pension System created by this Act shall likewise, in favor of this Supplemental Pension System, be offset against, and deducted from, any amount due

from the fund provided by this Act, to any person claiming under such employee member as a widow's allowance or otherwise."

Section 2. Section 9 of said Act No. 556 of the Regular Session of the Legislature of Alabama approved November 19, 1959 (Acts of Alabama of 1959, pages 1376, et. seq.) as heretofore amended, is amended to read as follows:

"Section 9. Death Benefit for Widows and Children not receiving any benefit under Act No. 929 or under Section 8 of this Act. (a) The words, terms and phrases used in this Section 9 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended.

(b) This section shall not apply to any fireman or policeman, or to his widow, child, or children, unless at the time of his death he had accumulated at least five (5) years' creditable time under Act No. 929. This section shall not apply to any fireman or policeman who has not executed within the time hereinafter specified an instrument which shall provide that in the event of his death the Board of Managers of this Supplemental Pension System shall receive the return of any contributions made by him to this Supplemental Pension System and to the General Retirement and Relief System created by Act No. 929, which if he had not executed said instrument would be returnable to his severance nominee, his personal representatives, his spouse, children, father, mother, sisters or brothers of the deceased, or to any other person.

To render this section applicable firemen and policemen who have accumulated as much as four (4) years and nine months creditable time under Act No. 929 may execute the said instrument at any time within ninety (90) days from the date on which this subsection (b) becomes effective; and firemen or policemen who have not accumulated as much as four (4) years and nine months of such creditable time on the date when this subsection (b) becomes effective may execute the said instrument at any time before accumulating five (5) years of such creditable time.

Notwithstanding the time accorded for executing such instrument this Section 9 shall not apply to any fireman or policeman or to his widow, child or children until he has executed the said instrument. Such instrument when executed shall be revocable at any time by the fireman or policeman executing the same. Any instrument executed hereunder shall not be effective to authorize the Board of Managers to receive any return of contributions under this Act or under Act No. 929

unless the fireman or policeman executing the same has accumulated at least five (5) years of creditable time under Act No. 929 prior to his death.

The Board of Managers shall adopt rules prescribing the form of the instrument and the number of copies to be executed.

If prior to the effective date of this subsection (b) any fireman or policeman has executed an instrument designating the Board of Managers to receive in the event of his death return of any contributions made by him to the General Retirement and Relief System created by Act No. 929, and no benefits have accrued as a result thereof then such instrument is hereby canceled and shall be null and void.

(c) This subsection (c) shall apply only to a widow or child who is not entitled to receive an allowance under Section 8 of this Act or under Act No. 929. If any fireman or policeman having five (5) or more years creditable time under Act No. 929 shall die, his widow, if any, without regard to the time during which the marriage existed, shall be entitled to a monthly allowance of forty per centum (40%) of the final average salary of such deceased member, plus a monthly allowance of Ten Dollars ($10.00) per month for each child of such widow by such deceased member until such child shall marry, die or reach the age of eighteen (18) years, whichever may first occur. In the event such deceased member leaves no widow surviving or in the event of the death of his widow, the allowance provided hereby for any child of such deceased member shall be payable to the legal guardian or to the person who has legal custody of said child for the use and benefit of said child. The total amount of monthly allowance payable under this Section to the widow and child or children of the deceased member shall in no event exceed fifty per centum (50%) of the final average salary of such deceased member. In the event there is more than one child of such deceased member entitled to an allowance under this Section, the widow, if any, shall nevertheless receive forty per centum (40%) of the deceased member's salary, as provided hereinabove; and the allowances for the children, so long as there is a widow and more than one child receiving an allowance hereunder, shall be reduced equally so that in no event shall the total allowances paid under this Section exceed fifty per centum (50%) of the final average salary of such deceased member.

Any debt or liability of an employee member under Act No. 929 which has been offset against and deducted from the return of contributions paid by the General Retirement and Relief System created by said Act No. 929 to the Supplemental Pension System created by this Act shall likewise, in favor

of this Supplemental Pension System, be offset against, and deducted from, any amount due from the fund provided by this Act, to any person claiming under such employee member as widow's allowance or otherwise."

Section 3. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 35 H.J.R. 16—Lutz, Albright, Gregg, Reddick, Smith (B), Moore (W)

HOUSE JOINT RESOLUTION

CONGRATULATING THE GURLEY TIGERS BASKETBALL TEAM

WHEREAS, Madison County High School, better known as "Gurley High School," has achieved great success on the basketball court during the present season, having won twenty-five games; and

WHEREAS, the Gurley Tigers, led by Coach Jerry Craig, have won their District basketball championship for four consecutive years, including the 1974-75 season; and

WHEREAS, the Gurley Tigers basketball team is composed of an outstanding group of young men who have represented their school and their community in a highly creditable manner

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the Legislature of Alabama does congratulate the Gurley Tigers basketball team and its coach, Jerry Craig, for its success over the past four years and does wish it continuing success, on and off the basketball court.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 36 H.J.R. 17—Crawford, Sasser

HOUSE JOINT RESOLUTION

CONGRATULATING MISS PAM FLOWERS UPON HER SELECTION AS THE 1975 MISS ALABAMA-UNIVERSE.

WHEREAS, Miss Pam Flowers competed recently in Huntsville, Alabama with 33 other beautiful and charming contestants in the "Miss Alabama-Universe" beauty contest; and

WHEREAS, the stunning and statuesque Miss Flowers displayed her charm, beauty and poise in winning the 1975 title of "Miss Alabama-Universe"; and

WHEREAS, the Wallace Community College beauty will soon be competing in the "Miss America-Universe" national pageant in Niagara Falls, New York; and

WHEREAS, the Headland, Alabama community is proud of Miss Flower's fine accomplishments and outstanding beauty and personality; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most sincerely congratulate Miss Flowers, and further resolved that a copy of this resolution be presented to Miss Flowers.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 37 H.J.R. 18—Crawford, Sasser

HOUSE JOINT RESOLUTION

CONGRATULATING MISS GAYLE BEASLEY FOR BEING SELECTED MISS TROY STATE UNIVERSITY.

WHEREAS, Miss Gayle Beasley competed with 41 other beautiful and talented coeds in the recent "Miss Troy State University" beauty pageant; and

WHEREAS, Miss Beasley, an accomplished pianist and organist performed a brilliant piano medley and displayed her outstanding beauty, poise and charm in winning the 1975 title of "Miss Troy State University"; and

WHEREAS, this popular Troy State coed is affiliated with the Music Education National Conference, the Kappa Delta Sorority (her sponsor in this event), the Sigma Alpha Rota professional women's music sorority, a wavette and Majorette with the Troy State Band; and

WHEREAS, the hometown people of Headland, Alabama are deservedly proud of this outstanding young woman of their community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our hearty congratulations to Miss Beasley for her winning of the 1975 title of "Miss Troy State University", and a copy of this resolution be sent to Miss Beasley.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 38 H.J.R. 21—Smith (B), Lutz, Gregg, Albright, Riddick, Moore (W)

HOUSE JOINT RESOLUTION

Be it resolved by the Alabama House of Representatives, the Senate concurring, that there be and hereby is established in Madison County, a Commission to be known as The Madison County Elected Officials Salary Commission, hereinafter called "The Commission".

The Commission shall be composed of nine (9) members with four of its members from government, four members from business, and a Chairman. The four members from business and government shall include one lawyer, a manager, and two salary administrators. Its membership shall be appointed by The Madison County Delegation.

The Chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of The Chairman. Members of The Commission shall serve without compensation.

The objective of The Commission will be to provide information and recommendation regarding salaries of Madison County elected officials. The specific objectives of The Commission shall be described by The Madison County Delegation.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 39 H.J.R. 22—Cross

HOUSE JOINT RESOLUTION

COMMENDING THE MOUNT HOPE HIGH SCHOOL BASKETBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS The Mount Hope High School basketball team finished the season with an outstanding 21 win—4 loss record; and

WHEREAS the Mount Hope High Yellow Jackets worked diligently, long and hard to achieve the outstanding record. The team made jump shots, foul shots, and rebounds with spectacular ability; and

WHEREAS the Yellow Jackets won the class 1-A, Region 8 District Tournament, in order to attend the State play-offs; and

WHEREAS Coach Ted Reed and his staff are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Mount Hope High School Basketball team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to head coach Ted Reed, his assistant coaches, and to each team member.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 40 H.J.R. 23—Cross, Drake, Sparks, Moore (W), Starkey, Roberts, Killian, Weeks, Brindley, Hines, McMillan, Hill, Kelley, Ford, Rich, Naramore, Martin, McNees, Goodwin, Mitchem, Carter, Robertson, Green, Venable

HOUSE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND CONGRESS TO SUPPORT THE NOMINATION OF HORACE MAYNARD LAYMAN TO THE TVA BOARD OF DIRECTORS

WHEREAS there will be a vacancy on the TVA Board of Directors on May 18, 1975; and

WHEREAS no native Alabamian has ever served on the TVA Board of Directors; and

WHEREAS Horace Maynard Layman has proven himself to be an influential leader by making great contributions to the sound industrial, farming and commercial development of his native State of Alabama. He has served as a consultant with the Alabama Cotton Legislative Study Committee, has been a soil conservation supervisor since its establishment in Alabama, is a former member of the Agricultural Center Board and is a former member of the National Feed Grain Advisory Committee; and

WHEREAS Horace Maynard Layman has been named Alabama's "Man of the Year" in service to agriculture by *The Progressive Farmer;* and

WHEREAS Mr. Layman possesses a vast knowledge of the needs of the TVA region. He was born in Huntsville, Alabama, and has lived his adult life in Decatur, Alabama. Since 1930 he has been associated with *The Decatur Daily.* On numerous occasions he has carried the voice of the Alabama and the Southeastern farmer to Washington; and

WHEREAS Mr. Layman has been recommended for this position by Senator John Sparkman and Representative Robert E. Jones, senior members of the United States Senate and House of Representatives from Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recommend to President Ford and the Alabama congressional delegation the nomination of Horace Maynard Layman to the TVA Board of Directors.

RESOLVED FURTHER, That a copy of this resolution be sent to President Gerald Ford, to each member of the Alabama congressional delegation, and to Mr. Barrett Shelton, publisher of *The Decatur Daily.*

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 41 H.J.R. 24—Moore (W), Riddick, Gregg, Smith (B), Albright, Lutz

HOUSE JOINT RESOLUTION

CONGRATULATIONS TO THE SPARKMAN SENATORS BASKETBALL TEAM.

WHEREAS, Sparkman High School, better known as

"Sparkman Senators", has achieved great success on the basketball court during the present season, and

WHEREAS, the Sparkman Senators, led by Coach William L. Vaughan, Jr., have won their District basketball championship for the year 1974-1975, and

WHEREAS, the Sparkman Senators basketball team is composed of an outstanding group of young men who have represented their school and their community in a highly creditable manner.

BE IT RESOLVED THAT THE ALABAMA LEGISLATURE, both houses thereof concurring, does congratulate the Sparkman Senator basketball team and its coach, William L. Vaughan, Jr., for its success over the past year and does wish it continuing success, on and off the basketball court.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 42 H.J.R. 25—Gregg, Riddick, Moore (W), Albright, Smith (B)

HOUSE JOINT RESOLUTION

COMMENDING THE HUNTSVILLE CITY COUNCIL ON THE OPENING OF THE VON BRAUN CIVIC CENTER

WHEREAS the Huntsville City Council has worked with diligence and tireless efforts in bringing such a fine facility as the Von Braun Civic Center to the State of Alabama; and

WHEREAS this legislature wishes to recognize the Huntsville City Council for its contribution to the cultural enrichment of the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Huntsville City Council on the opening of the Von Braun Civic Center.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Huntsville City Council.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 43 H.J.R. 26—Gregg, Riddick, Moore (W), Albright, Smith (B)

HOUSE JOINT RESOLUTION

COMMENDING THE VON BRAUN CIVIC CENTER BOARD

WHEREAS the Von Braun Civic Center Board has taken a lively interest in the cultural life of Huntsville and the area; and

WHEREAS the Von Braun Civic Center Board has worked with diligence and tireless efforts and rendered great service to the citizens of Huntsville in bringing such a fine facility as the Von Braun Civic Center to the area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Von Braun Civic Center Board for its endeavor to provide cultural enrichment to the Huntsville area and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the members of the Von Braun Civic Center Board.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 44 H.J.R. 27—Gregg, Lutz, Smith (B), Riddick, Albright, Moore (W)

HOUSE JOINT RESOLUTION

COMMENDING THE JOHNSON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE DISTRICT CHAMPIONSHIP

WHEREAS the Johnson High School Basketball Team of Huntsville, Alabama won the District 4-A High School basketball championship as a result of their outstanding athletic ability and play; and

WHEREAS the team worked diligently to accomplish a championship in their first year of operation as a class 4-A high school; and

WHEREAS Coach Ronnie Quick is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate the Johnson High Basketball Team and wish them the best of luck in the State Tournament.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coach and to each member of the team.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 45 H.J.R. 30—Glass

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LORIN A. EDWARDS

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Lorin A. Edwards of Theodore; and

WHEREAS Lorin A. Edwards was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS Mr. Edwards was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Lorin A. Edwards and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 46 H.J.R. 31—Glass

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MISS WENDY HALL

WHEREAS the Alabama Legislature has noted with a sense of deep regret the untimely passing of Miss Wendy Hall; and

WHEREAS Miss Hall reflected the uncommon endowments of foresight, perserverance, and capacity for intelligent leadership and she shall be missed keenly by her host of friends to whom she gave so generously of her talents and friendship; and

WHEREAS her youthful outlook, vivacity and warm personality served as an inspiration to all with whom she came in contact and especially her friends at Grand Bay High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Miss Hall and express our deep and sincere sympathy to her parents to whom copies of this resolution shall be sent.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 47 H.J.R. 32—Glass

HOUSE JOINT RESOLUTION

COMMENDING THE THEODORE HIGH SCHOOL MARCHING BAND.

WHEREAS the Theodore High School Marching Band worked diligently, long and hard to achieve the outstanding quality of music which they produce; and

WHEREAS the Theodore High School Marching Band is going to attend the Cherry Blossom Festival in Washington, D. C.; and

WHEREAS Band Director John McGallagher is due much credit for the high degree of technical skill displayed by the band; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Theodore High School Marching Band for its outstanding achievements.

BE IT FURTHER RESOLVED, That copies of this reso-

lution be sent to Band Director John McGallagher and to each band member.

Approved March 10, 1975
Time: 3:00 P.M.

Act No. 48 H.J.R. 33—Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE MONTEVALLO HIGH SCHOOL BASKETBALL TEAM

WHEREAS the Montevallo High School Basketball Team recently won the Region 4, 2-A basketball play-off in order to go to the State 2-A Championship for the 4th consecutive year; and

WHEREAS Montevallo finished in first place in 1974 and won the State 2-A Championship; and

WHEREAS the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS Coach Gary Fleming is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team as exemplified by their 25-6 win-loss record; and

WHEREAS the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend Principal W. C. Corbett, Head Coach Gary Fleming and the Montevallo High School Basketball Team for their outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the head coach and each team member.

Approved March 10, 1975
Time: 3:00 P.M.

Act No. 49 H.J.R. 34—Holley

COMMENDING THE NEW BROCKTON HIGH SCHOOL

BASKETBALL TEAM FOR WINNING THE AREA 3 BASKETBALL TOURNAMENT

WHEREAS the New Brockton High School won the Area 3 Basketball Tournament due to their outstanding ability to play; and

WHEREAS the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS Coach Hank Kennedy is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team as exemplified by their win-loss record of 26-3; and

WHEREAS the spirit of the team is reflective of their school, faculty, parents and good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend Coach Hank Kennedy and the New Brockton High School Team for winning the Area 3 Basketball Tournament.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the head coach, the principal and each team member.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 50 H.J.R. 35—Dial

HOUSE JOINT RESOLUTION

COMMENDING MRS. MAYBURN TEAGUE FOR HER CONTRIBUTIONS TO EDUCATION.

WHEREAS, this body would like to recognize Mrs. Mayburn Teague for her contributions in education to Talladega County and to this state; and

WHEREAS, Mrs. Mayburn Teague is considered a friend of long-standing, having spent days in Montgomery urging enactment of programs for improvement in education for the benefit of school children in this state; and

WHEREAS, Mrs. Mayburn Teague is a well known educator and former president of the Talladega County Education Association and the Talladega P.T.A. Council; and

WHEREAS, Mrs. Mayburn Teague has been active in Mental Health Fund Drives, the March of Dimes and the Alabama Society for Crippled Children and Adults; and

WHEREAS, Mrs. Mayburn Teague is the mother of our esteemed colleague, Representative John A. Teague; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend Mrs. Mayburn Teague for her dedication and contribution to education in Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Mayburn Teague.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 51 H.J.R. 36—Moore (O), Waggoner, Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE SHELBY COUNTY BOARD OF EDUCATION AND SCHOOLS FOR THEIR "KITTI KLEAN" PROGRAM

WHEREAS March 4, 1975, was set aside as the "Kitti Klean" target date in Shelby County, Alabama; and

WHEREAS the Shelby County Board of Education encouraged students to participate in this clean up program; and

WHEREAS the environment and beautification of Shelby County as well as the State of Alabama were enhanced by those students who volunteered to perform this fine public service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to express its appreciation to the Shelby County Board of Education and the schools for their accomplishments in the betterment of their communities and State.

RESOLVED FURTHER, That a copy of this Resolution be sent to the Shelby County Superintendent of Education and to the local newspapers.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 52 H.J.R. 37—Harrison, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

WISHING CHRIS MCNAIR A SPEEDY RECOVERY FROM HIS RECENT ILLNESS

WHEREAS, Representative Chris McNair has been confined to bed because of his recent illness; and

WHEREAS his colleagues from around the state miss his leadership, quick wit, and sincere enthusiasm; and

WHEREAS, the members of the Jefferson County Delegation particularly miss the competent leadership of their chairman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Chris McNair a speedy and complete recovery, and welcome his return to the capitol.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Representative McNair.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 53 H.J.R. 38—Gafford

HOUSE JOINT RESOLUTION

INVITING DENNY RAGLAND TO VISIT THE LEGISLATURE AND TO MEET THE GOVERNOR.

WHEREAS, Denny Ragland has achieved the position of president of the student body at Woodlawn High School in Birmingham, Alabama, and

WHEREAS, Denny's academic excellence has also led to his selection as the president of the United Students' Council of Alabama, and

WHEREAS, Denny's fine accomplishments in Birmingham and statewide should not go unrecognized; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Denny Ragland be invited to Montgomery to visit the Legislature and to meet Governor George Wallace.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Denny and a copy be sent to Mrs. JoAnne Ivey, Woodlawn High School, Birmingham, Alabama.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 54 H.J.R. 39—McNees

HOUSE JOINT RESOLUTION

CONGRATULATING THE SULLIGENT BLUE DEVILS BASKETBALL TEAM

WHEREAS, Sulligent High School has achieved great success on the basketball court during the present season;

WHEREAS, the Sulligent Blue Devils have won their region basketball championship for two consecutive years, and;

WHEREAS, Sulligent Blue Devils basketball team is composed of an outstanding group of young men who have represented their school and their community in a highly creditable manner;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the Legislature of Alabama does congratulate the Sulligent Blue Devils basketball team for its success over the past two years and does wish it continuing success, on and off the basketball court.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 55 S. 2—Fine and Flippo

AN ACT

To amend Act No. 2333, S. 926, Regular Session 1971 (Acts 1971, p. 3763) entitled, "An Act Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, whose roads and bridges are constructed, maintained and repaired by the state highway department; authorizing and providing for the deduction and withholding by the judge of probate of any such county of a prescribed amount of the first moneys accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted," so as to delete Section 5 thereof which provides that said act shall be repealed and expire on September 30, 1974; to make the provisions of this amendatory act retroactive to September 30, 1974.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2333, S. 926, Regular Session 1971 (Acts 1971, p. 3763) entitled, "An Act Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, whose roads and bridges are constructed, maintained and repaired by the state highway department; authorizing and providing for the deduction and withholding by the judge of probate of any such county of a prescribed amount of the first moneys accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted," is hereby amended so that Section 5 of said act is repealed and removed from said act.

Section 2. The provisions of this amendatory act shall have retroactive effect to September 30, 1974.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 5:00 P.M.

Act No. 56 S. 5—King

AN ACT

To amend Sections 1 and 2 of Act No. 409, S. 364, of the 1971 Regular Session of the Legislature of Alabama, entitled "an act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts 1965, P. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licensees; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center, alcoholic, malt or vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act", so as to add to the definition of the term "Authority", any board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and to add to the definition of the terms "the Civic Center", any civic center operated by a board or commission created by ordinance by any municipality within the state for the purpose of operating a civic center, and so as to authorize the Alcoholic Beverage Control Board to issue a Civic Center license to any authority operating a Civic Center located in a City where a "restaurant" or "club" liquor license is otherwise authorized by law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 409, of the 1971 Regular Session of the Legislature of the State of Alabama is hereby amended to read as follows:

"Section 1. Issuance of liquor licenses to certain civic center authorities; amount of license tax or fee; privileges granted to civic center authorities by license.

(1) Definitions. — As used herein the following words and terms have the meanings hereby ascribed to them. "ABC law" means Chapter 1, Title 29, Code of Alabama of 1940, as amended, which establishes and governs the alcoholic beverage control board; "the Board" means the alcoholic beverage control board; "Authority" means a civic center authority heretofore or hereafter established by and under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts 1965, pages 797, et seq.) (Appendix, Sections 1049(78) to 1049(84), *and any board or commission*

created by ordinance by any municipality within the state for the purpose of operating a civic center; "the Civic Center" means the civic center established by the authority under Section 6 of said Act No. 547 (Appendix, Section 1049(83), *and also, any civic center operated by a board or commission created by ordinance by any municipal corporation within the state for the purpose of operating a civic center;* "restaurant liquor license" means the restaurant license for which the ABC law provides; "Civic Center liquor license" means the license which the act provides for issuance to an authority. Any word or term used herein which is defined in the ABC law shall have the same meaning as that law ascribes to said word or term."

Section 2. That Section 2 of Act No. 409, of the 1971 Regular Session of the Legislature of the State of Alabama is hereby amended to read as follows:

"Section 2. Authority to issue liquor licenses to civic centers. The Board shall be authorized to issue a *civic center liquor license to any authority operating a civic center located in a city where a "restaurant" or "club" liquor license is otherwise authorized by law,* which license shall entitle the Authority to purchase liquor from an Alabama liquor store and, subject to the provisions of the ABC law and the regulations made thereunder, not in conflict with the ABC law or with this Act, to keep and sell in any part of its Civic Center for consumption therein any such liquor and also any malt or brewed beverages or vinous beverages the holder of a restaurant liquor license is entitled to keep and sell."

Section 3. When any license is issued pursuant to this act to an authority created by municipal ordinance, the City Council or like governing body of the City wherein a civic center is located shall have the authority and the duty to fix reasonable rules and regulations for the sale of alcoholic beverages in such civic center, including rules and regulations as to times and places wherein alcoholic beverages may be sold within such civic center, and the types of meetings and functions at which the same may be sold.

Section 4. That this Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 57 S. 10—King

AN ACT

Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be interpreted and applied in a manner to fulfill the following purpose: that each citizen of Madison County may make application to register to vote at any time the county courthouse is open for business.

Section 2. There is hereby authorized the following position and duties. Such position may be filled by any qualified person now employed by the county or hired for this specific position, except that the merit system shall set the compensation in accordance with such merit system regulations.

Section 3. The Madison County board of registrars are authorized to meet the number of days now provided by law to receive and pass on applications for registration submitted by deputy registrars. Members of the board of registrars may not act as deputy registrars or receive compensation as deputy registrars.

DEPUTY REGISTRARS

(1) The board of registrars is empowered to designate one or more deputy registrars who shall serve in such capacity as the board directs. Designation to serve as deputy registrars will be in writing and cover a specified period of time, not to exceed one year without redesignation. The instrument empowering deputy registrars shall be approved by a majority of the county board, and filed as a public record by the board of registrars.

(2) The deputy registrar shall take the oath required of registrars.

(3) Deputy registrars shall be empowered to administer oaths and shall authenticate his acts with his personal signature and the words "Deputy Registrar". A circular seal with his name, the name of the county, and the words "Deputy Registrar" may be used for this purpose at the discretion of the board of registrars, provided such seal is not used as a substitute for the deputy registrars authenticating signature.

(4) Deputy registrars may take application at the places and times in the county designated by the board of registrars.

(5) Application to register to vote made before deputy registrars are not intended to substitute for a personal appearance before the board of registrars. If the board of registrars

can not determine the qualifications of an applicant from the application, then the applicant shall not be rejected for registration but shall be called before the board of registrars to make a determination of qualifications. The board of registrars must specify in writing on each application the reason for requiring the applicant to appear before it.

(6) Any person performing the duties of deputy registrar may be removed at any time with or without cause, by the board of registrars.

(7) The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

(8) This act shall be cumulative and shall not be construed to repeal any existing laws.

(9) This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 58 S. 13—McMillan, Little, Pearson, Powell, Mims, Vacca, Wilson, Adams, Shelby, Mitchell, Torbert

AN ACT

To provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon conviction and imprisonment for any felony or misdemeanor, the sentencing court shall order that the convicted person be credited with all of his actual time spent incarcerated pending trial for such offense. The actual time spent incarcerated pending trial shall be certified by the circuit clerk, on forms to be prescribed by the Board of Corrections.

Section 2. An escapee from a state penal institution who is recaptured and returned to custody shall be credited with all of his actual time spent incarcerated within the State of Alabama prior to his transfer and return to the custody of Board of Corrections (penal system). The actual time spent incar-

cerated pending return to custody of the Board of Corrections (penal system) shall be certified by the sheriff on forms to be prescribed by the Board of Corrections.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 59 S. 27—Powell, Mitchell

AN ACT

Relating to the 19th judicial circuit; to provide for additional compensation for the court reporter in said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The court reporter of the 19th judicial circuit shall receive a supplemental compensation in the amount of $3,000.00 per annum which shall be in addition to any and all other compensation, salary and expense allowance provided for by law and which shall be paid in monthly installment from the same county funds as the other compensation of court reporters in said circuit is paid. Each county comprising the 19th judicial circuit shall pay its pro rata share thereof, upon the basis of the assessed tax valuation of all property in such county for the preceding year.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 60 S. 28—Mitchell

AN ACT

Relating to all counties having populations of not less than 24,400

nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county commission of each county having a population of not less than 24,400 nor more than 24,800, according to the most recent decennial census, shall, in addition to the salaries and other allowances prescribed for them by law, be entitled to a monthly allowance of $250.00 for expenses. The allowances hereinabove authorized shall be paid from any funds in the county treasury available for that purpose.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 61 S. 29—Mitchell

AN ACT

Relating to all counties having populations of not less than 24,400 nor more than 24,800, according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of each county having a popuation of not less than 24,400 nor more than 24,800, according to the most recent Federal decennial census, is authorized to pay from the general fund, to the sheriff of said counties, $250.00 per month as an expense allowance. This allowance shall be in addition to the salaries and other allowances prescribed for them by law.

Section 2. All laws or parts of law which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 62 S. 31—Jones, Powell, Shelby

AN ACT

To amend Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), as amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to increase the compensation of board members; to revise eligibility requirements, retirement benefits, disability payments, death benefits, refund procedure, actuarial study requirements and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 3, 8, 10, 11, 12, 13 and 14 of Act No. 999, H. 288, Regular Session 1969, (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), amended, is hereby further amended to read as follows:

"Section 1. Definitions. The following words and phrases wherever used in this Act, shall have the following respective meanings, unless the context clearly indicates a different meaning:

" 'Association' means the Alabama Peace Officers Association as now or hereafter constituted.

" 'Board' means the Board of Commissioners of the Fund, and any successors thereto.

" 'Executive Director' means the executive director of the board.

" 'Fund' means the Alabama Peace Officers' Annuity & Benefit Fund created herein.

" 'Member' means any peace officer who is a member of the fund and who is in good standing by virtue of having paid all sums herein required to be paid by him.

" 'Membership Service' means the period of employment of a member as a peace officer from the date he becomes a member.

" 'Month' means a period of thirty days.

" 'Year' means a period of 365 days; except the last year of employment as a peace officer, when over six (6) months of membership service shall constitute a year toward service retirement.

" 'Order' means the Fraternal Order of Police.

" 'Peace Officer' means a person duly sworn as a peace officer of the State of Alabama possessing powers of arrest,

employed by the state, any political subdivision thereof, or any municipal corporation therein, who is required by the terms of his employment, whether such employment exists by virtue of election or appointment, to give his full time to the preservation of public order and the protection of life or property, or the detection of crime in the state, and shall include enforcement officers for conservation laws and full time coroners, but shall not include any pardon, parole or probation officer, district attorney, assistant district attorney, assistant attorney general, commissioner, deputy commissioner, or any municipal inspector, county inspector or state inspector.

" 'Prior Service' means the period of employment of a member as a peace officer from the time of his initial employment as such peace officer to September 12, 1969.

" 'Qualified Service' means the prior service plus membership service of a member.

" 'State' means the State of Alabama.

"Section 3. Compensation of Board Members. All board members shall be paid $30.00 per day and mileage for attendance of Board Meetings. Mileage and per diem shall be the same as allowed state employees, when board member is traveling on fund business.

"Section 8. Eligibility of Members of the Fund; Monthly Charge. Nothing herein shall be construed as requiring that any member of the fund become a member of the association or the order, or that any member of the association or the order become a member of the fund. Each peace officer who becomes a member shall pay to the fund a regular fee of Ten Dollars ($10.00) per calendar month, to be paid on or before the tenth calendar day of each month so long as he is a Member or until he becomes entitled to benefits hereunder. At the time to the initial application, the member shall pay an amount equal to Ten Dollars ($10.00) multiplied by the number of months intervening between September 17, 1971 and the time at which his application is made if he desires to receive credit for these months as membership service. If he does not desire to receive credit for these months as membership service, he may enroll as a member without making this initial payment. If a person was not a peace officer on September 17, 1971, the amount to be paid at the time of application shall be Ten Dollars ($10.00) multiplied by the number of months intervening between the date of employment of such person as a peace officer and the date of his said application if he desires to receive credit for these months as membership service. If he does not desire to receive credit for these months as membership service, he may

enroll as a member without making this initial payment. The board shall furnish to any peace officer requesting the same an application for membership in the fund. If any member shall not pay the monthly fee for sixty (60) days after its due date, the board shall give him notice of termination of his membership in the fund and of his right to a refund and unless he makes application for a refund pursuant to Section 14 hereof within sixty (60) days after the mailing of such notice, all amounts heretofore paid by him to the Fund shall be returned to him in accordance with Section 14. Any member so terminated who later applied for membership in the fund shall lose credit for all of his qualified service up to the time of such termination, and upon approval of his new application will become a new member in the fund.

"Section 10. Retirement Benefits. Any member shall, at anytime after reaching the age of 52, and completion of at least 20 years qualified service, or at any time after reaching age 65 and the completion of at least 15 years of qualified service, or the completion of 30 years of qualified service, regardless of age, be entitled to an annuity benefit. The amount of the benefit shall be $5.25 per month for each of the first 25 years of qualified service and $8.75 per month for each year of qualified service in excess of 25 years. In no event shall any member receive in excess of $175.00 per month. The benefit shall begin upon approval by the board on the date of the member's application for said benefits, on forms provided by the board, but in no event prior to his termination of service as a peace officer. Said benefits to be paid for as long as said member lives, except as hereinbelow provided.

Years Qualified Service	Benefit Rate
15	$ 78.75
16	84.00
17	89.25
18	94.50
19	99.75
20	105.00
21	110.25
22	115.50
23	120.75
24	126.00
25	131.25
26	140.00
27	148.75
28	157.50
29	166.25
30	175.00

There shall accompany any application made pursuant to this section evidence satisfactory to the board of the date of birth of the member. If any member receiving retirement benefits shall thereafter reenter employment as a peace officer, as defined in Section 1, then the payment of retirement benefits shall be terminated as long as he is so employed. Upon termination of his re-employment as a peace officer, his benefits will resume, if during such period of re-employment he has made all required monthly payments to the fund. Any employment as a peace officer after such initial retirement and during which such payments are made to the fund shall be included in the computation of membership service for the purpose of determining further rights and benefits hereunder.

"Section 11. Disability Payments. Any member (a) who becomes totally or permanently disabled as a result of a heart attack or any injury received in the line of duty as a peace officer not as a result of his misconduct, and (b) who makes proper application to the board, on a form to be supplied by the board, and submits evidence satisfactory to the board of such total or permanent disability and the circumstances giving rise to its occurence, shall be entitled to be paid benefits as follows so long as such disability continues:

(a) $72.00 per calendar month if his qualified service is not more than 35 months;

(b) $108.00 per calendar month if his qualified service is at least 36 months and not more than 47 months;

(c) $144.00 per calendar month if his qualified service is at least 48 months and not more than 59 months; and

(d) $180.00 per calendar month if his qualified service is 60 months or more. Any benefit paid under this section shall be paid for a period of not longer than twenty-four (24) calendar months. Any member disabled as hereinabove defined for a period of more than twenty-four (24) calendar months shall be eligible for retirement benefits hereunder if he meets the requirements of Section 10. The Board shall have the right to require that any applicant for benefits under this section be examined by one or more physicians on behalf of the board and at its expense. Failure of any such applicant to subject himself to such examination shall be sufficient grounds for the board to deny payment of benefits under this section

"Section 12. Death Benefits. Each member shall be issued a certificate by the board in which the board shall agree to pay to a beneficiary to be designated by such member, upon his death while an active member, a stipulated amount based upon the number of months of membership service and to be condi-

tioned upon the satisfaction of all obligations of the member to the fund, as follows: (a) for less than 36 months of membership service, the sum of $500; (b) for membership service of 36 months through 47 months, the sum of $600; (c) for membership service of 48 months through 59 months, the sum of $800; (d) and for membership service of 60 months or more, the sum of $1,000. If any member is killed in the line of duty, there shall be paid to his beneficiary or estate, all membership fees paid by such member into the fund. Such repayment of membership fees shall be in addition to the death benefit as hereinabove provided. The board shall pay to the beneficiary of a member, upon his death while an active member a refund pursuant to.

"Section 13. Actuarial Study Required. The board shall have appointed and employed an actuary to make an actuarial valuation every three years, or earlier if deemed required, of the receipts and income accruing to the fund based on age, expected mortality, disability and retirement status of the members, and the qualified service and membership service of members and shall determine what percentage of the proposed payments, annuities and benefits set forth in this Act may be paid if the fund is to be kept on an actuarily sound basis and in an actuarily solvent condition. Upon receipt of the report of the actuary, the Executive Director shall present it to a meeting of the board which shall have the power and shall be required to make such prorations of annuities and benefits as are recommended by the said actuary. Nothing contained in this section and in this Act shall be construed as granting to the board the power to require higher contributions to the fund by any member or to increase the amount of court costs imposed in Section 9 hereof. Any adjustment shall be only by the prorata reduction of annuities and benefits to be paid hereunder. In the event any such actuarial study shall show that moneys are then available to pay all annuities and benefits specified herein or to pay amounts in excess of those indicated by any previous report and established by the board, the board shall make such upward adjustments, but not beyond the annuities and benefits specified herein. If any such report should show that further downward adjustments are required, then such adjustments shall be made by the board as shall be necessary to carry out the recommendations of the actuary so employed. Any increase or reduction in benefits resulting from any such actuarial study or from any subsequent amendment of this Act shall be applicable to all persons then receiving such benefits, even though such persons had theretofore received benefits at a different rate. In no event shall the board, the fund, the association, the order, or any member, officer, director, or employee of any thereof, or the state, or any subdivision thereof or any municipality therein, be liable to any member

or any beneficiary or any representative of any member or any beneficiary of the fund for any deficiency in payments made pursuant to this Act and pursuant to any pro rata reduction of annuities or benefits.

"Section 14. Refunds. Any member shall be entitled at any time to withdraw from the fund and, upon application for such withdrawal on forms to be supplied by the board and approved by it, shall be entitled to receive in cash ninety percent (90%) of all amounts heretofore paid to the fund by such member. No refund shall be paid until six months after the application therefor. Any member who withdraws and receives such refund shall not thereafter have any rights with respect to the fund and may not thereafter be entitled to become a member except as a new member. Any member who ceases to be a peace officer may elect not to receive any such refund for a period of not more than 36 months. If within the said 36 months' period the said person shall again become a peace officer, he may be reinstated as a member without loss of his accumulated qualified service. If a member does not return to service at the end of the 36 months period, then his account shall be terminated and his fees shall be returned to him, thereby cancelling all his qualified service. If any peace officer who had previously withdrawn his fees from the fund, due to unemployment as a peace officer, or whose account had been terminated due to 36 months absence becomes a member at a future date he shall have restored to him all qualified service provided that said member completes 36 months of contributing membership service after he again becomes a member of the fund and provided that said member repays to the fund within 12 months after completion of 36 months of contributing membership service the amount previously returned to him.

Section 2. All laws or parts of laws in conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 2:59 P.M.

Act No. 63 S. 39—Mims, Adams, Mitchell

AN ACT

To provide further for the employment of guards, marshals and doorkeepers for the legislature, without regard to the state merit

system or state employee's retirement system, and to provide for the manner of their employment and regulation of their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Alabama state trooper who retires, and who has not reached the age of 65 may be employed or reemployed as a guard, marshal or doorkeeper for either house of the legislature without regard to the provisions of the laws of the state merit system or to the state employees' retirement system.

Section 2. No such retired employee shall have any retirement benefits which have accrued to him prior to his employment as a guard, marshal, or doorkeeper for the legislature either suspended or deceased by reason of his subsequent employment in any such capacity with the legislature.

Section 3. The Clerk of the House and the Secretary of the Senate shall each be authorized to prescribe the qualifications of the employees to whom this act applies, to make the appointments for the respective houses which they serve and to fix the compensation of such employees. Provided, however, doorkeepers shall be paid in accordance with the provisions of Act No. 48, H. 413, Regular Session 1973.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or part of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 5:00 P.M.

Act No. 64 S.J.R. 3—Waldrop, McDonald (S)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF C. L. STARLING, SLAIN ATTALLA POLICE OFFICER

WHEREAS, Officer C. L. Starling was slain in the line of duty as a Gadsden-Attalla policeman; and

WHEREAS, Officer Starling is survived by a wife and three children who greatly miss his presence and comfort; and

WHEREAS, the Gadsden-Attalla police force are collecting contributions for a fund to help Officer Starling's family during this period of personal sorrow and crisis; and

WHEREAS, Officer Starling's family is in great need of both financial and moral support during this tragic time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deepest sympathy to the family and friends of Officer C. L. Starling, and that a copy of this resolution be sent to the widow of Officer Starling.

BE IT FURTHER RESOLVED, That we encourage everyone to contribute to the family fund of Officer Starling.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 65 S.J.R. 4—Waldrop, McDonald (S)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF F. T. DOBBS

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of F. T. Dobbs; and

WHEREAS, F. T. Dobbs contributed immeasurably to the enrichment of our social, cultural and economic lives. He was a diligent and devoted member and deacon of the Gadsden First Baptist Church and a member of the Masonic Lodge No. 236; and

WHEREAS, F. T. Dobbs was principal of Gadsden High School from 1947 until his retirement in 1971; and

WHEREAS, F. T. Dobbs reflected the uncommon endowments of foresight, perserverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS, this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the state of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of F. T. Dobbs and express our deep and

sincere sympathy to his widow, Mrs. Kate Dobbs, and his family to whom copies of this resolution shall be sent.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 66 S.J.R. 5—Jones, Powell

SENATE JOINT RESOLUTION

THANKING MRS. MARTHA WILLIAMS OF THE LEGISLATIVE REFERENCE SERVICE STAFF FOR HER OUTSTANDING SERVICE AND WISHING HER A LONG AND HAPPY RETIREMENT.

WHEREAS Mrs. Martha Williams, one of the senior analysts on the staff of the Legislative Reference Service retired earlier this month; and

WHEREAS her keen sense of humor and charming wit will be greatly missed by the members of the Legislature and her co-workers in the Legislative Reference Service; and

WHEREAS she has performed many outstanding tasks and written volumes of legislation for the members of the Alabama Legislature, both past and present; and

WHEREAS we wish to take this opportunity to honor her and wish her a long and happy retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do thank Mrs. Martha Williams for her long, faithful and outstanding service to the State of Alabama and do wish her a long and happy retirement.

BE IT FURTHER RESOLVED That the Secretary of the Senate send a copy of this resolution to Mrs. Williams.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 67 S.J.R. 6—Jones, Powell

SENATE JOINT RESOLUTION

COMMENDING THE ENLISTED NATIONAL GUARD ASSOCIATION OF ALABAMA AND ENCOURAGING ALL

MEMBERS OF THE NATIONAL GUARD TO JOIN THE ASSOCIATION.

WHEREAS the Enlisted National Guard Association of Alabama is a non-profit, non-political organization formed with the avowed purpose of promoting and advancing the status, welfare and professionalism of the enlisted members of the National Guard of Alabama as well as promoting and maintaining adequate national security; and

WHEREAS it is the opinion of this legislature that the association will greatly benefit those guardsmen through collective accomplishments that would be difficult or impossible for the individual guardsmen to accomplish, and at the same time serve the interests of national security; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend highly the Enlisted National Guard Association of Alabama as a beneficial and worthwhile collective endeavor, and encourage all members of the Alabama National Guard to join and actively participate in this fine organization.

RESOLVED FURTHER that copies of this resolution be sent to the Enlisted National Guard Association of Alabama.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 68 S.J.R. 9—Foshee, Baker

SENATE JOINT RESOLUTION

CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY CURRENT SYSTEM OF GOVERNING THE INSTITUTIONS OF HIGHER LEARNING IN ALABAMA.

WHEREAS, considerable question has been raised as to whether or not the State of Alabama is using the best system for governing its institutions of higher learning; and

WHEREAS, various and different ideas such as the use of a board of regents have been put forward as a better method; and

WHEREAS, it would be time well spent for the Alabama Legislature to have a select committee study the various questions and facets for governing the many different types of institutions of higher learning in this state,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of the chairman of the Senate Education Committee, the chairman of the House Education Committee, and four members of the Senate and four members of the House to be appointed by the presiding officer of each house. The membership of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets of the current and any proposed new system for governing the institutions of higher learning within the State of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistants as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 15th legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, or warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 69 S.J.R. 10—Perry

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF LEON COLLACE CARROLL.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Leon Collace Carroll of Troy, Alabama; and

WHEREAS Mr. Carroll was killed on February 25, 1975 in the performance of his duties as an employee of the state highway department; and

WHEREAS Leon Carroll was a friendly man who gained the respect and fond feelings of those who knew him, whether friend or mere acquaintance; and

WHEREAS during his 23 years of service to the State of

Alabama, Leon Carroll worked with diligence, loyalty, and competence; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Leon Collace Carroll and express our deep and sincere sympathy to his widow, Mrs. Elma Carroll, and his daughter, Miss Carla Carroll, to whom copies of this resolution shall be sent.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 70 S.J.R. 13—St. John

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY THE STATE ETHICS ACT.

WHEREAS Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), known as the State Ethics Act, was a well-intentioned but ill-conceived effort to provide this state with effective ethics legislation; and

WHEREAS this Act was not well thought out but was passed in haste, and

WHEREAS the resulting ambiguities and inequities in this Act have caused much confusion and have prompted many objections from all quarters, emphasizing the need for serious reconsideration of this Act; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the State Ethics Act. Such committee shall be composed of the Chairman of the Senate Judiciary Committee, who shall serve as Chairman of the interim committee, and the Chairman of the House Judiciary Committee, who shall serve as Vice-Chairman of the interim committee, 5 members of the House to be appointed by the Speaker of the House, and 5 members of the Senate to be appointed by the President of the Senate.

It shall be the duties of the committee to study the provisions of Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, p. 1699), and recommend to the legislature whatever changes, revisions or alternative legislation it deems desirable. Members of the committee shall receive no compensation for their

service but shall be entitled to their regular legislative pay and expenses to be paid out of funds appropriated for the use of the legislature. The committee shall report its findings, conclusions, and recommendations to the legislature not later than the tenth legislative day of its next regular session, whereupon the committee shall be dissolved.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 71 S.J.R. 14—Little

SENATE JOINT RESOLUTION

COMMENDING MR. GAY FOSTER FOR TWENTY-EIGHT YEARS OF SERVICE ON THE RANDOLPH COUNTY COMMISSION.

WHEREAS this body would like to commend Mr. Gay Foster for his twenty-eight years of service on the Randolph County Commission; and

WHEREAS Mr. Foster served the people of the second district of Randolph County for seven consecutive four-year terms; and

WHEREAS during his long tenure in office Mr. Foster was sensitive to the needs of his community, and worked with diligence for every worthwhile endeavor for the betterment of his area.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to Mr. Foster, a man who has made a significant and lasting contribution to his area and to the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Gay Foster.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 72 S.J.R. 15—Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF GEORGE W. (BILL) PERRY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of George W. (Bill) Perry, Wedowee, Alabama; and

WHEREAS this eminent young man was born August 19, 1954; and

WHEREAS Bill Perry was an outstanding member and leader of the Wedowee Boys' Choir; and

WHEREAS Bill Perry was a young man of integrity and dignity, loyal to his friends, and dedicated, as a member of the Wedowee United Methodist Church, to his church; and

WHEREAS Bill Perry gained the respect and fond feelings of his teachers and his peers at Southern Union State Junior College; and

WHEREAS George W. (Bill) Perry was killed as a result of an automobile accident on March 1, 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Bill Perry and express our deep and sincere sympathy to his parents Mayor and Mrs. George W. Perry, Wedowee, Alabama, to whom a copy of this resolution shall be sent.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 73 S.J.R. 17—Roberts

SENATE JOINT RESOLUTION

When the Legislature adjourns today, March 7, 1975, it will adjourn sine die.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 74 H. 8—McCulley, Owens, Gafford, Sandusky, Rich, Hill, Manley, Smith (C), Dial, Campbell, Roberts, Teague, Sasser, McNees, Higginbotham, Callahan, Moore (W), Martin, Leonard, Sparks, Venable, Holmes, Falkenburg, Hines,

McMillan, Williams, Carothers, Smith (J), Folmar, Smith (M), Malone, LeFlore, Reed (T), Sonnier, Whatley, Holley, Plaster, Wyatt, Barron, Harris, Lewis, Pegues, Lockett, Robertson, Edwards, Crowe, Kennedy, Shelton, Cates, Morris, Gregg, Riddick, Smith (B), McNair, McCluskey, Albright, Naramore, Carter, Warren, Johnstone, Kinsey, Mitchem.

AN ACT

Naming the bridge over the Tombigbee River between Clarke and Washington Counties on U. S. Highway 43, the "Joe C. McCorquodale, Jr. Bridge."

Be It Enacted by the Legislature of Alabama:

Section 1. Because of the high regard the people of this state bear towards the Honorable Joe C. McCorquodale, Jr. and because of the long and outstanding service he has rendered to this state and particularly to southwest Alabama, the Legislature of this state does hereby name the new bridge over the Tombigbee River between Clarke and Washington Counties on U. S. Highway 43, the "Joe C. McCorquodale, Jr. Bridge." The state highway department is hereby directed to so designate said bridge by appropriate signs.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 75 H. 9—Crowe, Smith (M), Owens, Biddle, McCluskey, Waggoner, Merrill, Gafford, Sonnier, Moore (O), Kinsey, Weeks, Rich, Taylor, Kelley, Quarles, Morris, Hines, Glass, Warren, McCulley, Campbell, Coburn, Clark, Sandusky, Sparks, Boles, Hilliard, Jackson (R), Venable, Mitchem, Howard,

Kennedy, Cooper, LeFlore, Malone, Jolly, Hopping, McCorquodale, Hill

AN ACT

To provide special contributions to the Unemployment Compensation Trust Fund provided by Title 26, Chapter 4, Code of Alabama 1940 as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. To be effective for the period January 1, 1976 through March 31, 1976, each employer subject to the provisions of section 204, Title 26, Code of Alabama 1940 as amended, shall pay contributions on the first four thousand two hundred ($4,200) dollars of wages paid to each employee during such period at the rate which would have been in effect for such period had the provisions of subsection G(4) of section 204 of Title 26 been in effect for computation of rates to be effective for the twelve (12) month period beginning with the first day of April 1975.

Section 2. The provisions of sections 191 A and 202 A, Title 26, Chapter 4, Code of Alabama 1940 as amended, notwithstanding, there shall be assessed against the first four thousand two hundred ($4,200) dollars of wages paid to an individual during the period from October 1, 1975 through December 31, 1975 by an employer subject to the taxing provisions of Title 26, a contribution to the Unemployment Compensation Trust Fund at the rate of one-half (0.5%) percent. Such contribution shall be made in accordance with the provisions of section 203 of said title.

Section 3. This Act to take effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 76

H. 10—Crowe, Smith (M), Owens, Biddle, McCluskey, Waggoner, McCorquodale, Merrill, Gafford, Sonnier, Moore (O), Kinsey, Weeks, Rich, Taylor, Kelley, Quarles, Morris, Hines, Glass, Warren, McCulley, Campbell, Coburn, Clark, Sandusky, Martin, Sparks, Boles, Venable, Mitchem, Howard, Kennedy, Cooper, Holmes, LeFlore, Malone, Jolly,

Hilliard, Jackson (R), Porter, Hopping, Hill

AN ACT

To amend Section 207, Title 26, Chapter 4, Code of Alabama 1940, relating to the weekly unemployment compensation benefit account.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 207, Title 26, Chapter 4, Code of Alabama 1940, as last amended, is hereby amended to read:

"S 207. Weekly benefit amount.—An individual's weekly benefit amount shall be an amount equal to 1/24th of the total wages for insured work paid to him during that quarter of his base period in which such total wages were the highest, except that:

A. If the amount thus derived is not a multiple of $1.00, it shall be rounded to the nearest multiple of $1.00.

B. If the amount thus derived is less than $14.50, the weekly benefit amount shall be $15.00, provided that, during that quarter of his base period in which the wages paid to him for insured work were the highest, the individual was paid wages of more than $350.00 for insured work on other than a part-time basis.

C. If the amount thus derived is more than $89.50, the weekly benefit amount for weeks of unemployment beginning on and after May 4, 1975 shall be $90.00.

D. For weeks of unemployment beginning prior to May 4, 1975 the weekly benefit amount shall be as prescribed by this section as amended through September 1973.

E. If, as a condition for approval of this Act for full tax credit against the tax imposed by the Federal Unemployment Tax Act, Federal law should require a greater maximum weekly benefit amount than that provided herein, then the maximum weekly benefit amount shall be the minimum required by any such Federal Law for such approval."

F. Nothing herein shall serve to deprive any individual of any benefit for which he had qualified in any benefit year beginning prior to May 4, 1975.

Section 2. This Act to take effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 77 H. 30—McCluskey, Crowe, Biddle, Pegues, Campbell

AN ACT

To authorize incorporated municipalities and counties to provide for relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Pub. L. 91-646, Title 2, § § 207 & 210, 84 Stat. 1898 and 1899, 42 USCA, § § 4627 and 4630; and for related purposes; and authorizing incorporated municipalities and counties to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. The incorporated municipalities and counties of this state are hereby empowered to provide relocation assistance to persons displaced by the acquisition of real property by local land acquisition programs and to comply with the "Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970," Pub. L. 91-646, Title 2, § § 207 and 210, 84 Stat. 1898 and 1899, 42 USCA, § § 4627 and 4630, and the requirements and regulations thereunder. Such incorporated municipalities and counties are empowered to appropriate public funds to provide such relocation assistance and to comply with the requirements of such act and the requirements and regulations thereunder in connection with projects financed in whole or in part by federal funds. The incorporated municipalities and counties of this state may exercise the authority granted hereunder by enactment of appropriate resolutions or ordinances to establish criteria for providing such relocation assistance.

Section 2. Nothing contained in this act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 78 H. 72—Callahan, Sonnier, McCorquodale, Glass, McMillan, Manley, Kennedy, McCulley, LeFlore, Merrill, Biddle, Owens, Sandusky, Kinsey, Cooper, Waggoner, Lockett, Campbell, Cross, Johnstone, Malone, Harris, Porter, Hall, Clark, Lee, Hilliard, Holmes, Crowe, Robertson, Johnson, Harrison, Turnham, Shelton, Wyatt, Pegues, Sasser, Martin, Roberts, Sparks, Carter, Jackson (R), Tucker, Hopping, Williams, Boles, Ford, Armstrong, Jolly, Andrews, Trammell, Falkenburg, Coburn, Teague, Greer, White, Moore (O), Baker, McNees, Reed, Smith (C), McCluskey, Warren, Dial, Gregg, Albright, Quarles, Morris, Lewis, Venable, Cates, Folmar, Hines

AN ACT

To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama at the 1975 Second Special Session of the Legislature of Alabama, which authorizes the State to issue its general obligation bonds in principal amount not exceeding $45,000,000 to finance improvements to the State Docks Facilities at the Port of Mobile and directs the legislature to provide for the organization of a public corporation to act as the agency of the State with respect to the issuance and sale of the said bonds and certain refunding bonds; to provide for the organization of said public corporation under the name of Alabama Port Authority and to specify its powers; to provide for its board of directors and meetings thereof; to authorize the issuance of the said bonds and designate the Authority as the agency of the State with respect to the sale and issuance thereof; to provide that the said bonds and the income therefrom shall be exempt from all taxation in the State; to establish a special fund to be applied for payment of the principal of and interest on the said bonds and to require annual payments therein of specified portions of the revenues from the State Docks Facilities at the Port of Mobile; to provide for the making of an annual report by the Authority to the legislature and such recommendations to the legislature as the Authority may from time to time deem appropriate; to authorize the Authority, when it deems such action advantageous, to provide for the refunding of any then outstanding bonds, matured or unmatured, that were issued hereunder; and to repeal any laws or parts of laws conflicting with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature by the passage of this Act to implement that certain constitutional amendment of the State of Alabama proposed by the act Introduced as House Bill 71 at the 1975 Second Special Session of the Legislature of Alabama, by (i) authorizing the issuance of the interest bearing general obligation bonds of the State

provided for in the said constitutional amendment, (ii) providing for the incorporation of a public corporation to act as the agency of the State in the authorization, sale, issuance and approval of disbursement of proceeds of the said bonds, and to perform the other functions hereinafter specified, and (iii) providing for the expenditure of the proceeds from the said bonds. It is also the intention of the legislature that, to the extent deemed feasible in the sole discretion of Alabama State Docks Department, with the approval of the Alabama Port Authority, the proceeds from the said bonds will be used in preparation for and in anticipation of the demands that will be made upon, and the opportunities that will be available to, the Department as a result of the opening of the Tennessee-Tombigbee Waterway System. This Act is to be liberally construed in conformity with its purposes.

Section 2. The following words and phrases, wherever used in this Act, and others evidently intended as the equivalent thereof, shall in the absence of clear implication herein otherwise be given the following respective interpretations herein:

"Authority" mans the public corporation organized pursuant to the provisions of this Act under the name Alabama Port Authority.

"Board" means the board of directors of the Authority.

"Bonds" means the bonds issued under the provisions of this Act.

"Person", unless limited to a natural person by the context in which it is used, includes a public or private corporation organized under the laws of Alabama or of another state, a municipality, a county or an agency, department or instrumentality of a county or municipality of one or more of the several states, or of the United States.

"Property" means and includes real and personal property, and interests therein.

"State" means the State of Alabama.

"State Docks Facilities" means docks and all kinds of docks facilities, including elevators, warehouses, water and rail terminals, wharves, piles, quays, compresses, cold storage facilities, loading and unloading facilities, and other related structures, facilities and equipment and property used or held for use or development of or in connection with any thereof, now or hereafter owned by the State of Alabama at the Port of Mobile.

"State Docks Department" means the Alabama State Docks Department, an agency of the State.

"State Docks Director" means the Director of State Docks or other chief executive officer of the State Docks Department.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. The Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House, and the Director of the State Docks Department shall become a Public Corporation with the powers hereinafter provided, by proceeding according to the provisions of this Act.

Section 4. To become a corporation, the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House and the Director of the State Docks Department shall present to the Secretary of State of the State of Alabama an application which shall set forth: (a) the name, official designation and official residence of each of the applicants, together with certificates respecting the due election of those who are elected to the offices respectively held by them and certified copies of the commissions evidencing the due appointment of those who are appointed to the offices respectively held by them; (b) the date on which each applicant was inducted into office and the term of office of each applicant; (c) the name of the proposed public corporation, which shall be Alabama Port Authority; (d) the location of a principal office of the proposed public corporation; and (e) any other matter relating to the proposed public corporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this State to take acknowledgments to deeds. The Secretary of State shall examine the application, and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed and recorded, as herein provided, the applications shall constitute a public corporation under the name submitted in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the Great Seal of the State and shall record such certificate with the applica-

tion. There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the Authority thus formed, its incorporation, dissolution or records.

Section 6. The Authority shall be composed of the Governor, the Director of Finance, one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House, and the Director of the State Docks Department.

The Governor shall be the President of the Authority, and the Director of Finance shall be its Secretary. The Director of the State Docks Department shall be the Treasurer of the Authority, and shall act as Custodian of the proceeds from the sale of the bonds. The members of the Authority shall constitute all the members of the board of directors of the Authority. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member, officer, or director of the Authority. No member, officer or director of the Authority shall receive any compensation for any service they may render or for any duty they may perform in connection with the Authority.

The board of directors shall meet on call of the President of the Authority. All proceedings had and done by the board of directors shall be signed by the Governor, and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. The Authority shall have the following powers: (a) to have succession by its corporate name without time limit; (b) to sue others, to be sued but only for breach of contract, and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (c) to have and to use a corporate seal and to alter the same at its pleasure; (d) to act as the agency of the State in authorizing, selling, issuing, and approving disbursement of the proceeds of said general obligation bonds of the State subject to the provisions of this Act; (e) to provide for and specify the details of and to supervise and make sale of, general obligation bonds of the State subject to the provisions of this Act; (f) to make studies and analyses of the operations of the State Docks Facilities, and to make the reports and recommendations provided for in Section 8 hereof; and (g) to appoint and em-

ploy such attorneys and agents as the business of the Authority may require; provided, that the Authority shall not employ fiscal agents or financial advisers in connection with the sale of bonds.

Section 8. The Authority shall have the same fiscal year as the State. The Authority shall during each fiscal year submit a report of its activities and development plans to the legislature. It may from time to time make recommendations to the legislature, based upon study and analysis, for the better handling of commerce passing in and through the State Docks Facilities, for the increase and improvement of transportation facilities, for the more economical and expeditious handling of such commerce, and for the development and promotion of both domestic and foreign trade.

Section 9. There are hereby authorized to be issued bonds of the State in aggregate principal amount not exceeding $45,000,000 for the purpose of paring costs of the development, construction, improvements, expansion and modernization (or any of them) of the State Docks Department at the Port of Mobile. The bonds hereby authorized shall be general obligations of the State, and the full faith, credit and taxing powers of the State are hereby irrevocably pledged for the prompt and faithful payment of the principal thereof and the interest thereon.

The bonds may be sold from time to time as the board of directors may deem advantageous; provided, that no bonds (other than refunding bonds) may be sold or issued unless the Governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to enable the Authority to promote, develop, construct, improve, expand and modernize the State Docks Facilities. Except as hereinafter limited, the bonds may be executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest, or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the State, may bear interest at such rate or rates not exceeding 8% per annum payable and evidenced in such manner, may contain provisions for redemption at the option of the Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of this Act, all as shall be provided by the board of directors in the resolution or resolutions whereunder the bonds are issued. The principal of each series of the bonds shall mature in annual installments

in such amounts as shall be specified in the resolution or resolutions of the board of directors under which they are issued, the first of which installments shall mature not later than three years after the date of the bonds of the same series and the last of which installments shall mature not later than thirty years after the date of the bonds of the same series. Any redemption price required to be paid in order to effect any redemption of bonds prior to maturity shall not exceed the face value of each bond redeemed plus accrued interest thereon to the date fixed for redemption and a premium equal to one year's interest on such bond. Each series of bonds having an installment of principal maturing more than ten years after the date thereof shall be made subject to redemption prior to maturity, at the option of the State, at the end of the tenth year following their date and semiannually thereafter in such manner as may be specified in the resolution authorizing such series.

None of the bonds shall be sold for less than its face value plus accrued interest thereon to the date of their delivery, and all of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that, if no bid deemed acceptable by the Authority is received, all bids may be rejected. Notice of each bond sale shall be given by the Authority by publication in either a financial journal or a financial newspaper published in New York, New York, at least one time not less than ten days prior to the date fixed for the sale. The Authority shall cause such other publicity to be given of each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this Act. The Authority is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the Authority may prescribe, and again converted into bearer bonds, all without the payment of any fee by the holder of any such bonds.

The bonds shall not be valid unless the Governor shall approve the terms and conditions under which they were authorized by the board to be issued. Such approval shall be entered on the minutes of the meeting of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may, but need not, be shown on any such bonds by a facsimile of his signa-

ture printed or otherwise reproduced thereon when authorization hereof is contained in the said approval signed by him.

The bonds shall be executed in the name of the State by the Governor or by the Director of Finance, and the Great Seal of the State, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and attested by the Secretary of State. If the bonds are executed by the Director of Finance, such execution shall be approved on the face of the bonds by the Governor. A facsimile of the signature of any of said officials may be printed or otherwise reproduced on any of the bonds in lieu of being manually signed thereon, provided that the signature of at least one of the said officials shall be manually signed thereon. The coupons evidencing any installments of interest on the bonds shall be executed with a facsimile of the signature of the State Treasurer printed or otherwise reproduced thereon. Each such facsimile of a signature shall be valid in all respects as if the officials the facsimiles of whose signatures are so used had signed the bonds in person. Any signature, whether manual or facsimile, which appears on any of the bonds and which purports to be the signature of the person acting as one of the officials hereinabove specified shall be treated in all respects as if it were the signature (whether manual or facsimile, as the case may be) of that official. The Great Seal of the State so used shall be valid in all respects as if the Great Seal of the State had been manually affixed to the bonds. In the event any official who shall sign the bonds or the facsimile of whose signature shall appear thereon shall thereafter cease to hold office before the bonds are delivered and paid for, the bonds and the coupons applicable thereto shall nevertheless be valid for all purposes to the same extent as if the official who signed the bonds or the facsimile of whose signature appears thereon had remained in office until all of the bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

The bonds and the income therefrom shall be exempt from all taxation in the State.

Section 10. There is hereby created a special fund to be designated the State Docks Facilities Reserve Fund, which shall be held in and constitute a part of the State Treasury and which shall be maintained until the principal of and interest on the bonds (or any refunding bonds that may hereafter be issued to refund any of the bonds) shall have been paid in full. As promptly as may be practicable following each fiscal year of the State, commencing with the fiscal year ending September 30, 1976, the State Docks Director shall determine the number of tons (each ton to be deemed to constitute 2,000 pounds) of general cargo was handled by the State Docks

Department during the said fiscal year. Not later than ninety days after the end of each such fiscal year, the State Docks Department shall pay into the said special fund whichever is the smaller of the following:

(a) An amount equal to 3¢ for each ton (i.e., 2,000 pounds) of general cargo handled by the State Docks Department at or in connection with the State Docks Facilities during the fiscal year with respect to which such determination was made, or

(b) The entire revenues derived by the State Docks Department from operation of the State Docks Facilities remaining at the end of the said fiscal year after (1) payment of all expenses of operation and maintenance of the State Docks Facilities that became payable on or prior to the last day of the said fiscal year, (2) payment of all principal and interest that matured on or prior to the said last day of the said fiscal year with respect to obligations which were heretofore issued and for payment of which revenues from the State Docks Facilities have been heretofore pledged (or any bonds that may hereafter be issued to refund any such obligations) and (3) the making of all payments into any special funds that are required to have been made, prior to the end of the said fiscal year, in any proceedings authorizing any such obligations (or any such refunding obligations); provided that the foregoing provisions of this section are and shall be subject to all pledges heretofore made of the revenues from the State Docks Facilities and all agreements set forth in any documents or proceedings wherein the said pledges were made. The term "general cargo" as used in this section shall be deemed to include all cargo handled by the State Docks Department at or in connection with the State Docks Facilities except (i) cargo of the class generally known as proprietary cargo handled by the owners of such cargo (or their agents) at the State Docks Facilities under special arrangements between such owners and the State Docks Department, and (ii) export coal handled at or in connection with that portion of the State Docks Facilities known as the McDuffie Terminal. The moneys on deposit in the said special fund shall be applied for payment of the principal of and interest on the bonds; and moneys in the said special fund shall be exhausted for payment of the said principal and interest prior to the use for such purpose of any moneys in the general fund of the State.

Section 11. The Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds then outstanding that were originally issued under this Act. To the extent they may be applicable, the provisions of this Act pertaining to the authorization, sale,

execution, redemption, maximum interest rate, maturities, issuance and other details of the bonds, shall apply to such refunding bonds. The total principal amount of bonds that may be initially issued hereunder under the provisions of the first sentence of Section 9 hereunder is hereby expressly limited to $45,000,000; and the total amount of refunding bonds that may be issued hereunder is hereby expressly limited to the principal amount of the bonds that are to be refunded by any such refunding bonds.

Section 12. The Authority shall pay out of the proceeds from the sale of any of the bonds (other than refunding bonds) those expenses which the board of directors may deem necessary or advantageous in connection with the sale or issuance thereof. The proceeds from the sale of all bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned into the treasury of the State Docks Department, shall be carried in a special fund therein, and shall be subject to be drawn on by the State Docks Department, upon the approval of the Authority, but solely for the respective purposes for which they were authorized to be issued, viz., payment of costs incurred in the development, construction, improvement, expansion, and modernization (or any of them) of the State Docks Facilities at the Port of Mobile, as the said facilities may from time to time exist. The proceeds from the sale of any refunding bonds shall be paid into the State Treasury, shall be carried in a special fund therein, and shall be subject to withdrawal by the Authority for the purpose of refunding the principal of the outstanding bonds for the refunding of which they were authorized to be issued. The expenses incurred in issuing any such refunding bonds shall be paid out of the State Treasury upon approval by the Authority.

Any portion of the proceeds derived from the sale of any of the bonds which the State Docks Director may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the State Docks Director, be invested in time deposits in banks in Alabama qualified and designated as State depositories or in any securities that are direct general obligations of the United States or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States. Any such securities may, at any time and from time to time, on order of the State Docks Director, be sold or otherwise converted into cash. The income derived from any such investments shall be added to and treated as a part of the proceeds so invested.

Section 13. The State Treasurer is authorized and directed to pay the principal of and interest on the bonds (or any bonds

issued to refund any of the bonds) at the respective maturities of the said principal and interest, out of the special fund created in Section 10 hereof and to such extent, if any, as the moneys in the said special fund may be insufficient for such purpose, out of any other funds in the State Treasury. The State Treasurer is further authorized and directed to set up and maintain appropriate records pertaining to payment of the said principal and interest.

Section 14. All laws and parts of law that are in conflict with any of the provisions of this Act shall be and hereby are, to the extent of such conflict, repealed.

Section 15. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 16. This Act shall become effective, following its passage and approval by the Governor or its otherwise becoming a law, on the effective date of the amendment to the Constitution of Alabama that was proposed by the Act introduced as House Bill No. 71 in the 1975 Second Special Session of the Legislature of Alabama.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 79 H.J.R. 42—Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF MONTEVALLO BASKETBALL TEAM FOR WINNING THE N.A.I.A. DISTRICT 27 CHAMPIONSHIP

WHEREAS the University of Montevallo Basketball Team won the N.A.I.A. District 27 Championship; and

WHEREAS the University of Montevallo Falcons defeated Jacksonville State University in a dramatic 75 to 74 game in order to attain a play-off position; and

WHEREAS the Falcons have worked diligently, long and hard to achieve an outstanding level of perfection. The team made foul shots, jump shots, and rebound with spectacular ability; and

WHEREAS this team is due much recognition for an outstanding season record; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend The University of Montevallo Basketball Team on attaining a N.A.I.A. play-off position, and wish them much luck, and good sportsmanship in said play-off.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the coaching staff and to each member of the team.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 80 S.J.R. 11—Foshee

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THAT S.J.R. 8, Act No. 11, PASSED DURING THE ORGANIZATIONAL SESSION OF 1975 BE AMENDED AS FOLLOWS:

WHEREAS, The rates charged by public utilities within the State of Alabama have been going up at an astronomical rate; and

WHEREAS, the general public is becoming vitally concerned and worried about the regulation of public utilities within this state; and

WHEREAS, there is a loud and incessant demand on the part of the public for the legislature to study regulation and control of public utilities and public utility rate making within this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Interim Committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall study all facets and ramifications concerning the regulation of public utilities in this state.

The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. *The committee may pay the mileage (at 12¢ per mile), the reasonable out-of-pocket expenses, and compensation at the rate of $50.00 per day in meeting with the committee, to Dr. E. E. Stanaland of Auburn University and Dr. Marcus Whitman formerly of the University of Alabama for their services to the committee on and before March 7, 1975.* The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 81 S.J.R. 12—Mitchell

SENATE JOINT RESOLUTION

AMENDING SECTION (e) OF SJR 15, ACT NO. 15, ORGANIZATIONAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Section (e), Senate Joint Resolution 15, Act No. 15, Organizational Session 1975, be and said Section (e) is thereby amended to read as follows:

"(e) The compensation of committee employees shall be paid as provided in Code, 1940, Title 32, Sections 13 and 14. The members of the Committee shall be paid the same compensation and expenses as provided them for legislative sessions, except that members shall in addition thereto be compensated for their actual travel expenses incurred by travel outside Montgomery in the performance of committee duties. Such compensation and expenses shall be paid in the same manner as those provided them for legislative sessions."

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 82 S.J.R. 18—Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE CRENSHAW CHRISTIAN ACADEMY BASKETBALL TEAM FOR WINNING THE ALABAMA PRIVATE SCHOOL ATHLETIC ASSOCIATION STATE TOURNAMENT.

WHEREAS the Crenshaw Christian Academy basketball team, affectionately called the "Cougars," recently won the Alabama Private School Athletic Association State Basketball Tournament for the second straight year; and

WHEREAS the Crenshaw Christian Academy Cougars earlier won the Division IV Tournament, the Bullock Invitational Tournament, and the Crenshaw Christian Invitational Tournament; and

WHEREAS Crenshaw Christian Academy won 32 games this season without a single defeat, and has won 36 games in a row, and has won 57 out of their last 61 games; and

WHEREAS, Jeff Morgan and Tony Williamson of Crenshaw Christian Academy were selected to the All-Tournament team and Greg Morgan was selected Most Outstanding Player of the tournament; and

WHEREAS the Crenshaw Christian Academy Cougars are a reflection on their faculty, parents, and the good citizens of their area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the Crenshaw Christian Academy for winning the 1975 Alabama Private School Athletic Association State Basketball Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Charles Clark and to the Crenshaw Christian Academy basketball team.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 83 S.J.R. 19—Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE WILCOX ACADEMY BASKETBALL TEAM FOR AN OUTSTANDING PERFORMANCE

WHICH MERITED THE RUNNER-UP SPOT IN THE ALABAMA PRIVATE SCHOOL ASSOCIATION STATE BASKETBALL TOURNAMENT

WHEREAS the Wilcox Academy Wildcats basketball team recently merited the runner-up spot in the Alabama Private School Association State Basketball Tournament; and

WHEREAS the Wilcox Academy Wildcats earlier won the Katherine Academy Invitational Tournament and the Wilcox Academy Invitational Tournament; and

WHEREAS The Wilcox Academy had an outstanding season record of 25 wins and only 5 losses; and

WHEREAS three members of the Wilcox Academy team, Frank Dobson, Tom Fendley and Wesley Kennedy, were selected to the All-Tournament Team; and

WHEREAS The coaches and team are due much credit for the high degree of technical skill displayed by the team and for their fine spirit and will to win; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the Wilcox Academy for an outstanding performance which merited the runner-up spot in the Alabama Private School Association State Basketball Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Head Coach Connie McKelvey, to Assistant Coach John Ross and to the Wilcox Academy basketball team.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 84 S.J.R. 20—Jones

SENATE JOINT RESOLUTION

COMMENDING DON WASSON

WHEREAS for many years Don Wasson has reported the activities of the legislature and the state government from "Capitol Hill"; and

WHEREAS Don Wasson's columns have appeared in the Montgomery newspapers and have been read by thousands; and

WHEREAS Mr. Wasson has contributed immeasurably in

keeping the citizens of the State of Alabama informed of the affairs of their government; and

WHEREAS Mr. Wasson exhibited ethical standards of the old school of journalism always awaiting the sacrament of confirmation on news, instead of reporting possible hearsay as factual information; and

WHEREAS Don Wasson's absence and his perspective of political news reporting will create an obvious void in news reporting; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to commend Don Wasson for his many years of service to the State of Alabama as a journalist.

RESOLVED FURTHER, That a copy of this Resolution be sent to Don Wasson.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 85 S.J.R. 21—Foshee, Fine, Jones

SENATE JOINT RESOLUTION

COMMENDING THE SENATE SECRETARY

WHEREAS, Our esteemed Secretary, McDowell Lee, has been honored by being elected president of the American Society of Legislative Clerks and Secretaries; and

WHEREAS, The Alabama Legislature has long recognized the sterling qualities of character and leadership manifested in "Our Leader", and is gratified that he is receiving such recognition on a national scale among his peers; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate McDowell Lee for this distinguished and deserved honor, and wish for him a productive and successful administration.

Approved March 10, 1975

Time: 3:00 P.M.

Act No. 86 S. 12—McMillan, Little, Powell, Pearson, Mims, Vacca, Wilson, Adams, Shelby, Mitchell, Torbert

AN ACT

Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence in the federal penal system.

Be It Enacted by the Legislature of Alabama:

Section 1. When an offender who is under sentence from a federal court is convicted in a state court, the state judge, in his discretion, may impose a sentence to be served concurrently with the federally imposed sentence, in the federal penal system.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 13, 1975

Time: 4:00 P.M.

MESSAGE OF GOVERNOR GEORGE C. WALLACE

TO JOINT SESSION OF THE ALABAMA LEGISLATURE

AT THIRD SPECIAL SESSION MARCH 18, 1975

Governor Beasley, Speaker McCorquodale, Members of the Alabama Legislature, Ladies and Gentlemen here in attendance—and my fellow Alabamians:

I am grateful to the members of our legislature for the opportunity of addressing you this evening—and for the further privilege of permitting thousands of our citizens to join with us through the medium of radio and television in witnessing my discussions with you.

I would be remiss if I did not express to this legislature my own personal gratitude, and I am sure an equal gratitude on the part of all of our people, for the prompt and expeditious manner in which you have responded to our two previous calls into extraordinary session. On each occasion you have acted with efficiency in time, effort and expense in disposing of the matters presented you for your consideration. The legislation you enacted will prove beneficial to the people you serve and I know that they are grateful to you for your efforts in their behalf. I join with them in expressing my thanks and appreciation to you, having personal knowledge of the difficulties and inconveniences sometimes imposed upon you by calls to service for your constituencies.

Tonight you assemble again in response to a call issued by me as your governor for consideration of a matter I deem of paramount importance to all of the citizens of Alabama. Again, I am sure, certain inconveniences have been imposed but this is the sacrifice one must often make when engaged in the field of public service. I am confident all of you realize and accept this fact and consider it a necessary aspect of the privilege of serving your people.

The matter for which I issued this call into extraordinary session and to which I know you will give your full, thoughtful and considered attention for such time as you find reasonably necessary is the extraordinary and sometimes economically prohibitive utility costs now being collected from the consuming public in our state.

I am sure that all of your are as equally aware as am I of the almost universal concern on the part of our citizens with this problem. In all of my years of public life, and particularly during my period of service as the governor of this state, I have

never experienced a situation wherein one matter so consumed and dominated the minds and attention of so many of our people.

This interest and concern has been developing over a period of months and years but, of late, has come to adversely affect the economic well-being of so many of our citizens that it becomes absolutely imperative that those of us charged with responsibility and leadership in state government seek relief for our people. Again, I say to you, that when a single matter so vitally affects so many of our people it becomes totally imperative that we, the governor as chief executive and you, as the chosen legislative representatives of your people, address ourselves to the problem. Hence, this call that you assemble in this extraordinary session for consideration of the matter I have mentioned.

It is totally unnecessary for me to attempt to impress you with the gravity of the situation with respect to utility costs. We are all aware of the critical situation, as are the vast majority of the citizens of this state. Whatever their economic or social situation in life, all Alabamians are affected by the surging rise in utility costs. All are crying out for some form of relief. My office is swamped daily, as I am sure is the case with you, with petitions, requests and personal pleas for some action with respect to utility costs. They have told me of many instances where their utility bills exceeded their mortgage payments. The elderly, young married couples, those on pensions, social security and fixed incomes and those subsisting on federal and state assistance are finding it increasingly difficult to pay their utility bills and provide the other necessities of life. The people feel that something can be done and they expect us to do it. That is the situation facing all of us tonight.

There is little need, nor do I intend, to point the finger of blame at any one individual, group of individuals, public or corporate entity or agency for the situation now existing. Rather, it is my purpose to focus the attention of all concerned parties and agencies of government, legislative, executive and judicial, as well as the economic, labor and industrial forces of this state on solution to the problem before us. I consider it a problem shared by all of us and one requiring all of our combined efforts, talents and wisdom to arrive at proper solution. Tonight, I call on all of those here assembled, as well as others throughout the state, to join in this effort.

I am aware of the contributions the major utilities have made to the economic life of this state and all the comforts and advantages they have provided our citizens in their daily living habits—

I am aware of the contributions they have made in further-

ing the industrial and economic development of our state so that we may all enjoy a fuller life—and this must continue and I commit myself to the proposition that Alabama will continue to move forward in the area of economic development. But not at the expense of impositions on the daily lives of her citizens which they cannot afford. It must be a growth balanced with a better life—economically and otherwise—for all Alabamians—and a greater and ever-increasing concern must be shown for their welfare—

To charge that either myself, this administration or the people of this state advocate a "no growth" economic and development policy or a cessation of industrial development in Alabama is a childish, foolish assertion.

The record speaks for itself of the time, effort, energy and resources we have devoted to increasing the industrial capacity of Alabama—more plants—new expansions—more jobs—the development of vocational training facilities—all indicating an all-out effort in this regard.

All of this will continue—but through the exercise of judgment, prudence and temperance in matters of business and finance and economies and concern in the matter of operations I am confident that the highly skilled management of our utilities can also find ways and means to provide their services to the people in a manner consistent with their ability to pay for such services. This is not a simple task—but one it is reasonable to expect them to accomplish.

Our program tonight is punitive to no one—nor is it partial to anyone. It is a program designed for the relief of our people —one which they except us to join in partnership to provide. Should any of us fail, we will be held accountable.

They do not want weak excuses or useless posturing—they expect this administration, this legislature and the utility companies of this state to move promptly to provide relief in the areas so troubling them—utility costs they cannot afford.

I am also aware of the advances in science and technology that have come from their research and development programs and the optimism with which they look to the future in our great state—

I am aware of the high moral character and integrity of those charged with management of our utilities, **however,** I am equally aware of the fact that utility costs have, in most instances, surpassed the economic means of our average citizen making it impossible for him to provide daily necessities for him and his family—

I am aware that as franchised and regulated monopolies to provide these utility services to our people, the management of the major utilities must share in this problem and must play an integral role in seeking solution, through providing for the protection of the consumer and rigid adherence to economies of operation and prudence in investment.

They must consider themselves—at the very least—as a quasi public function of government with a direct responsibility to the people they serve—and one of their basic responsibilities is to provide utility services in as efficient and economical a manner as possible and at a cost within the economic means of the consuming public—**if they fail in this responsibility they have failed in their purpose of existence.** A public utility is just what the term signifies—a servant of the public—and it is the duty and obligation of those engaged in such services to consider and provide for the needs of the people in a manner consistent with their welfare and best interest. **They are as equally obligated to service to the people and Alabama as are the governor and the legislature.**

I feel that I am aware of what the people of Alabama expect of us—they expect us to address ourselves promptly and seriously to the problems facing them—they expect our best collective effort toward solution—I call on you to join me in this effort.

In this regard, I would like to note that I know of no one who professes to have full answers to all of the manifold the relief to the consuming public so desperately needed.

The program which I present you for your consideration touches on all the matters I have mentioned—the computation of the rate base—the fixing of a fair and just rate of return—provides for a representative of the consuming public to appear as the people's advocate in all rate proceedings—provides for a more prompt determination of rate controversies by direct appeal to the Supreme Court within a fixed time—and provides that no automatic charges or adjustments for fuel, taxes or the like can be imposed upon the consumer without prior review by the regulating agency, the Alabama Public Service Commission.

All of these and other measures designed to fully protect the rights of our citizens in utility matters are included in our proposals.

It may well be that you have additional thoughts, suggestions and recommendations you will wish to make. If so, you should bring them forward and I would welcome your actions in this regard. Copies of the suggested legislation to implement the program I have presented have been furnished you in time

for your study and consideration and your thoughts and suggestions would, again, be in order and welcomed.

Let us proceed promptly and seriously to consider all of these matters—let us provide some relief for our suffering citizenry and, through our collective efforts here, let us assure the people of Alabama that we are aware of their problem with respect to utility costs—that we are addressing ourselves to it and that they can count on all of us to act in their best interest with courage and determination **and without fear of or persuasion from any source other than the people themselves.**

To implement the program which I have outlined, I am suggesting some eight bills for your consideration and, hopefully, for your approval. Copies of these bills have been furnished you earlier. Enactment of this legislation would, at least, constitute a significant step toward solution of the problems we are here to consider.

Briefly these bills are designed to accomplish the following purposes:

First, is a bill to define the rate base upon which the utilities are allowed a fair net return, providing that it be predicated upon original cost, less accrued depreciation. This is the standard used by most of the regulatory agencies throughout the country. This will involve eliminating the amendment added in 1971 which permits the inclusion of prospective investments to be added in the year following the test period. By eliminating this speculative portion of the rate base, we will be able to determine a more valid return on company investment.

Second, is the bill to prohibit any utility or telephone company from automatically increasing any customer's billing through the application of any fuel or tax rate, clause or rider above the level of such charges existing on the effective date of this legislation, unless there be review by the regulatory agency —the Alabama Public Service Commission. If the utility is entitled to any increase in rates arising out of the increased costs of its labor, fuel or other costs, the utilities can file an application, at anytime, and seek such increase as may be required but there will be no more automatic increases or adjustments permitted.

Third, is legislation to prohibit any telephone company from receiving an automatic increase in its net return as the result of any contract with another company.

Fourth, is legislation to require refunds or repayments where utility rates are judicially held to be excessive. The courts have stated that our present statutes make no provision for such refunds and, certainly, this deficiency should be corrected.

Fifth, is legislation requiring that the utilities give notice to reasonably identifiable affected property owners of the filing of any application for a certificate of convenience and necessity.

Sixth, is the bill which would retain the substantial evidence rule on judicial review of commission orders, adding certain other tests and also requiring the commission to find sufficient facts as to each issue involved and providing that no new evidence will be received by the commission beyond the test period. Such procedure is applicable to judicial review of all federal agencies and should be applicable to commission proceedings.

Seventh, is the bill which provides that appeals from telephone or utility rate orders of the commission be taken directly to the Supreme Court.

Lastly, is a bill to create the position of peoples' utility counsel. This would assure the appearance in all rate cases of an advocate for the consuming public. Normally the utilities have available a large staff of company employees and lawyers, often supplemented by outside professional assistance. During the past four years, I have attempted to assure, through intervention on the part of the governor's office, that the consuming public was represented in all rate proceedings. I have done this through the employment of counsel who has been forced to work with extremely limited funds and personnel. However, it is my opinion that much has been accomplished and I see the wisdom in this legislation providing, on a statutory basis, for the creation of the office of peoples' utility counsel with appropriate staffing. It is quite likely that some federal assistance can be found for the funding of the office.

I commend all of the above to your serious consideration, trusting that it will be of assistance to you in your deliberations.

I thank you for your kind attention and may God bless you.

ALABAMA LAWS

And Joint Resolutions

THIRD SPECIAL SESSION 1975

Act No. 1 H.J.R. 2—Crowe

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that a committee of three members of the House, to be named by the Speaker of the House and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved March 25, 1975

Time: 6:00 P.M.

Act No. 2 H.J.R. 3—Crowe, Waggoner, Sparks, Warren

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:20 on 18 Mar. 75 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved March 25, 1975

Time: 6:00 P.M.

Act No. 3 H.J.R. 4—White

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn until Thursday, March 20, 1975; and when the two Houses adjourn on Thursday, they adjourn until Tuesday, March 25, 1975; and when the two Houses adjourn on Tuesday, they adjourn until Thursday, March 27, 1975.

Approved March 25, 1975

Time: 6:00 P.M.

Act No. 4 H.J.R. 7—Gafford, McNair, Hopping, Trammell, Hilliard

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF P. M. ZICARELLI

WHEREAS P. M. Zicarelli of Birmingham passed away recently; and

WHEREAS Mr. Zicarelli was a native of Sicily, but had lived most of his 81 years in the Birmingham area; and

WHEREAS Mr. Zicarelli began work with Tennessee Coal and Iron at the age of fourteen years and continued working there until his retirement; and

WHEREAS Mr. Zicarelli was a member of the United Steelworkers Local 1489 and after his retirement, he was appointed to the Governor's Committee for Refugee Relief, the Retired Steelworkers Club, and the Alabama Commission on Aging; and

WHEREAS P. M. Zicarelli was a devoted community builder, always genuinely interested in the progress and betterment of the United States, the State of Alabama, and Jefferson County; and

WHEREAS Mr. Zicarelli was the father of ten children; seven sons, Mitchell, Lewis, Joe, Tommy, E. E., Vincent and Robert Zicarelli; three daughters, Mrs. Rosetta Bassett, Mrs. Jean McClung, and Mrs. Lucille Hedrick; and

WHEREAS this body would like to pay tribute to this dedicated man who, along with his family, contributed generously to every worthwhile endeavor for the betterment of the area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of P. M. Zicarelli and express our deep and sincere sympathy to his widow, Mrs. Mary Agnes Zicarelli, and his family to whom copies of this resolution shall be sent.

Approved April 4, 1975

Time: 3:45 P.M.

Act No. 5 H.J.R. 10—Biddle

HOUSE JOINT RESOLUTION

CONGRATULATING THE GARDENDALE HIGH SCHOOL WRESTLING TEAM FOR WINNING THE STATE CLASS 3A WRESTLING CHAMPIONSHIP

WHEREAS, the Gardendale "Rockets," the Gardendale High School wrestling team, has exhibited great skill and stamina in its winning of the State Class 3A wrestling championship; and

WHEREAS, their Coach, Ed Franks, has worked skillfully and patiently in forming his championship team of wrestlers; and

WHEREAS, this is the second consecutive year that the "Rockets" have claimed the Class 3A title; and

WHEREAS, the fine accomplishments of both the players and the coach should no go unrecognized; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the "Rockets" are hereby congratulated for their winning of the State 3A Class wrestling championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Gardendale High School, to Coach Ed Franks, and to the Quarterback Club of Gardendale.

Approved April 4, 1975

Time: 3:45 P.M.

Act No. 6 H.J.R. 11—Edwards, Plaster

HOUSE JOINT RESOLUTION

CONGRATULATING FORREST WATERS III ON HIS

ELECTION TO THE PRESIDENCY OF THE STATE BETA CLUB.

WHEREAS Forrest Waters, III was elected president of the Beta Club in Alabama; and

WHEREAS this singular accomplishment represents leadership and scholarship in their finest form; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our heartiest congratulations and highest commendation to Forrest Waters, III and wish him every success in his term of office.

RESOLVED FURTHER That copies of this resolution be sent to Forrest Waters III.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 7 H.J.R. 14—Smith (C)), McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

CONGRATULATING ALABAMA MARINE POLICE OFFICER, BILLY J. ATTAWAY OF CLANTON UPON BEING HONORED AS ALABAMA'S LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS Billy J. Attaway, an Alabama Marine Police Officer from Clanton, has recently been named Alabama's Law enforcement Officer of the Year for 1974 in a contest sponsored by the Birmingham News, the Alabama Jaycees, the Alabama Petroleum Council and the Alabama Peace Officer's Association; and

WHEREAS this dedicated and energetic gentleman has previously been the recipient of such outstanding honors as the National Olin Marine Safety Award, the Civil Defense Commendation Certificate, the U.S. Coast Guard Commendation Certificate and a U. S. Jaycee Certificate of appreciation and has for the past three years been chosen as the best law enforcement officer in Chilton County, having given generously of his time to secure the safety of those enjoying recreational activities on the Coosa River; and

WHEREAS Billy Attaway has made significant contributions above and beyond the call of duty for the betterment of his community by having written a regular newspaper column, spoken to various civic clubs, worked with Boy Scout and Girl Scout groups, assisted the Red Cross and helped with the rehabilitation of juvenile delinquents; and

WHEREAS Billy Attaway's work has not only brought honor to himself but it has contributed immeasurably to his chosen vocation by projecting an image of professionalism to the public; and

WHEREAS recognition by one's fellow citizens for a job well done is one of the most treasured and esteemed honors that can be bestowed upon a man; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this body offers its congratulations to one of Alabama's finest citizens, Billy J. Attaway, upon his selection as Alabama's Law Enforcement Officer of the Year for 1974 and wishes him great success in his future endeavors.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Billy and Janell Attaway and to each of their children, Larry, Leslie and Tracey.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 8 H.J.R. 25—Turnham, Crawford, Williams, Carothers, Sasser, Higginbotham, Whatley, Baker

HOUSE JOINT RESOLUTION

COMMENDING MAJOR CLAUDE SUTTON PRIER FOR HIS 36 YEARS OF SERVICE TO THE STATE OF ALABAMA

WHEREAS State Trooper Major C. S. Prier retired March 1, 1975, ending 36 years of service to the State of Alabama; and

WHEREAS Major Prier joined the Department of Public Safety in 1939, received the rank of Lieutenant Investigator in 1959, achieved the rank of Captain in 1961, was promoted to Major in 1969, and served as Chief of the Service Division prior to assuming command of the Driver License Division in October 1969; and

WHEREAS during the term of his service Major Prier worked with diligence and unswerving loyalty to further the cause of law enforcement in the State of Alabama and to protect the lives and property of its citizens; and

WHEREAS Major Prier's enthusiasm for his work, his devotion to duty, and concern for his fellowman gained him the respect of not only his fellow officers but all those with whom he came in contact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature would like to pay tribute to Major Prier for his many years of outstanding service to the State of Alabama and to wish him many years of enjoyable retirement which he so greatly deserves.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Major C. S. Prier.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 9 H.J.R. 26—Robertson

HOUSE JOINT RESOLUTION

COMMENDING PHILLIP H. SMITH FOR HIS CONTRIBUTIONS TO ECONOMIC AND CULTURAL PROGRESS IN ALABAMA.

WHEREAS Phillip Smith of Talladega, known to his multi-

tude of friends simply as "Phil" has for many years been active in civic affairs, devoting time to his church, the Kiwanis Club, the Music Club, historical societies and other cultural groups; and

WHEREAS Phil Smith and other civic-minded and far-sighted individuals worked tirelessly to benefit Talladega and Alabama economically through the establishment of the Talladega International Speedway; and

WHEREAS the direction and leadership that Phil Smith brings to any task he undertakes, whether as a member of the Cattlemen's Association or Sunday School teacher, make him a valuable and valued member of the community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend our friend and former colleague in the legislature, Phil Smith, for his unselfish service to his community and state.

RESOLVED FURTHER That copies of this resolution be sent to Phil Smith and family.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 10 H.J.R. 27—Robertson

HOUSE JOINT RESOLUTION

COMMENDING MISS CYNTHIA KIMBRELL FOR WINNING FIRST PLACE IN THE STATE JUNIOR SHOWMANSHIP DIVISION OF THE STATE STEER SHOW.

WHEREAS Miss Cynthia Kimbrell, daughter of Mr. and Mrs. Cecil Kimbrell of Route 4, Fayette, Alabama won first place in the State Junior Showmanship Division of the State Steer Show; and

WHEREAS Miss Cynthia Kimbrell is a very bright young lady who attends North Side High School in the eighth grade; and

WHEREAS she is a member of the 4-H Club and County Song Leader for the 4-H Clubs and attends New Hope Baptist Church where she helps with the choir; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they

do congratulate Miss Cynthia Kimbrell on winning first place in the State Junior Showmanship Division of the State Steer Show and do wish her many future awards in 4-H work and in her other endeavors in life.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Miss Kimbrell, her parents, and the principal of North Side High School.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 11 H.J.R. 28—McNees

HOUSE JOINT RESOLUTION

COMMENDING MRS. WILLIELARY STEWART ON BEING NAMED 1974 ALABAMA MOTHER OF THE YEAR

WHEREAS, Mrs. Willielary Stewart was the Fayette County nominee to the Alabama Mothers Awards Conference; and

WHEREAS, Mrs. Stewart has two children and three grandchildren; and

WHEREAS, Mrs. Stewart is a native of Tuscaloosa County, having graduated from the University of Alabama with a B. S. Degree in Education and having taught in the Tuscaloosa County School System for three years and in the Fayette County School System for twenty-eight years; and

WHEREAS, Mrs. Stewart, among her many activities, has actively supported and maintained an active membership in several educational associations, is currently serving as President of the Pink Ladies Organization and spends countless hours bringing sunshine and cheer to the residents of the Fayette County Nursing Home; and

WHEREAS, Mrs. Stewart is a loyal member of the Church of Christ, having taught the fifth and sixth grade girls class for thirty-five years during which time she nobly influenced the lives of many young girls who have matured into outstanding citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mrs. Wiillelary Stewart upon being named Alabama Mother of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Willielary Stewart and her family.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 12 H.J.R. 33—Crowe

HOUSE JOINT RESOLUTION

COMMENDING EARL BARNETT UPON HIS ELECTION AS VICE-PRESIDENT — PRESIDENT-ELECT OF THE ALABAMA EDUCATION ASSOCIATION.

WHEREAS, Earl Barnett, principal of Thach Junior High School in Walker County, has been elected Vice-President — President-Elect of the Alabama Education Association; and,

WHEREAS, Mr. Barnett has served effectively as a teacher and as an administrator in the Walker County School system a number of years; and,

WHEREAS, Mr. Barnett has provided leadership and guidance for the young people of Walker County through his profession and through active participation in community activities; and,

WHEREAS, Mr. Barnett has actively participated in Alabama Education Association projects by serving as President of the Walker County Education Association in 1974-75, as a member of the AEA Legislative Commission and as chairman of the A-VOTE State Steering Council; now therefore,

BE IT FURTHER RESOLVED, That copies of this resolu-BAMA, BOTH HOUSES THEREOF CONCURRING, Congratulate Mr. Barnett on his recent election as an officer of the Alabama Education Association and his fine record of education and community involvement.

BE IT RESOLVED BY THE LEGISLATURE OF ALAtion be sent to Mr. Barnett, Robert E. Cunningham, Superintendent of Walker County Schools, and the Alabama Education Association.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 13 H.J.R. 35—Smith (C)

HOUSE JOINT RESOLUTION

CONGRATULATING THE MONTEVALLO BULLDOGS, THE ALABAMA 2-A BASKETBALL CHAMPIONS

WHEREAS the Montevallo High School Bulldogs recently captured the Alabama 2-A Basketball Championship for the second consecutive year; and

WHEREAS the Bulldogs compiled an impressive overall record this season of 28 wins and 6 losses; and

WHEREAS the Bulldog worked diligently, long and hard to achieve such a record; and

WHEREAS Coach Gary Fleming is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; and

WHEREAS two Bulldogs, Recardi Nelson and Raymond Harris were named to the all-tournament team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the Montevallo High School Bulldogs for their outstanding season and championship win.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coach, and each team member.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 14 H.J.R. 36—Porter, Johnson, McNair

HOUSE JOINT RESOLUTION

COMMENDING THE REV. DR. NELSON H. SMITH FOR TWENTY-ONE YEARS OF DEVOTED SERVICE TO THE NEW PILGRIM BAPTIST CHURCH AND THE BIRMINGHAM COMMUNITY; AND FOR HIS OUTSTANDING REPRESENTATION OF THE STATE OF ALABAMA AS PRESIDENT OF THE PROGRESSIVE NATIONAL BAPTIST CONVENTION.

WHEREAS the Rev. Dr. Nelson H. Smith has for twenty-one years been a prominent and influential leader in the civic

and religious life of Birmingham, during which time he has rendered dedicated and steadfast service to the New Pilgrim Baptist Church; and

WHEREAS he has brought great honor to this state through his outstanding service as President of the Progressive National Baptist Convention; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Rev. Dr. Nelson H. Smith be heartily commended and congratulated for this distinguished service to his community and his state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Rev. Smith and to the New Pilgrim Baptist Church.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 15 H.J.R. 37—Morris

HOUSE JOINT RESOLUTION

COMMENDING MRS. LOUISE DAY FOR HER SERVICE AND WISHING HER A LONG AND HAPPY RETIREMENT.

WHEREAS, the Alabama Legislature has noted with mixed feelings the retirement of Mrs. Louise Day, as she will be greatly missed; and

WHEREAS, Mrs. Day's radio show "daily doings" will be missed by all radio listeners within the listening range of WRFS Radio Station; and

WHEREAS, Mrs. Day spent many years in the service of her fellow Alabamians as an educator as well as an entertainer; and

WHEREAS, Mrs. Day is a dedicated mother and grandmother and a credit to Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend Mrs. Louise Day for her long and faithful service and wish her a long and happy retirement.

RESOLVED FURTHER, That copies of this resolution be sent to Mrs. Day and to Radio Station WRFS.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 16 H.J.R. 38—Kelley

HOUSE JOINT RESOLUTION

COMMENDING THE GUNTERSVILLE HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE STATE CLASS AAA BASKETBALL CHAMPIONSHIP.

WHEREAS the Guntersville High School Basketball Team won the State Glass AAA Basketball Tournament due to their outstanding ability and play; and

WHEREAS the team worked diligently, long and hard to achieve this outstanding feat; and

WHEREAS the coach and his staff are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate the Guntersville High School Basketball Team for winning the state championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coach, and each team member.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 17 H.J.R. 39—Killian, Mitchem

HOUSE JOINT RESOLUTION

CONGRATULATING THE COLLINSVILLE PANTHERS, THE 1975 CLASS A STATE BASKETBALL CHAMPIONS

WHEREAS the Collinsville Panthers from Collinsville, Alabama, are the newly crowned 1975 Class A State Basketball Champions; and

WHEREAS for the first time in over forty years a DeKalb County team has won the state basketball championship; and

WHEREAS the Panthers worked diligently, long and hard and rightfully have become known as the "little team with the big heart"; and

WHEREAS Coach L. D. Dobbins is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS the Collinsville Panthers have many fans and supporters and a favorite chant for the Panther fans is "Go Big Red;" and

WHEREAS we believe the actions of these fine young men on the basketball court are reflective of their school, faculty, parents and the good citizens of Collinsville; and

WHEREAS three Panthers, Keith Twilley, Dennis Brandon, and Tommy Siniard were named to the All State Class A Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the Collinsville Panthers for their win.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coach and to each member of the team.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 18 S.J.R. 6—Ellis, Wilson, McMillan, Vacca, Pearson, Gilmore, Clemon, and Lt. Governor Beasley

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF P. M. ZICARELLI

WHEREAS the legislature of Alabama has noted with a sense of deep regret the passing of P. M. Zicarelli of Birmingham; and

WHEREAS Mr. Zicarelli who died at the age of 81 was a native of Sicily and lived for many years in Ensley and Fairfield; and

WHEREAS he was a retired U. S. Steel worker and a member of United Steelworkers Local 1489, as well as president of the Retired Steelworkers Club; and

WHEREAS he served on the Alabama Commission on the aging, the Governor's Committee for the Refugee Relief Program, and the Employment and Retirement Standing Policy

Committee at the National Council of Senior Citizens convention 1971, 1972 and 1973; and

WHEREAS this legislature would like to pay tribute to this honest and hard working man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of P. M. Zicarelli and express our deep and sincere sympathy to his widow, Mrs. Mary Agnes Zicarelli, and his family to whom copies of this resolution shall be sent.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 19 S.J.R. 7—Vacca, McMillan, Pearson, Gilmore, Wilson, Ellis, Clemon, Torbert

SENATE JOINT RESOLUTION

CONGRATULATING WALTER L. MIMS FOR BEING RE-ELECTED PRESIDENT OF THE NATIONAL WILDLIFE FEDERATION AND COMMENDING HIM FOR HIS LONG YEARS OF SERVICE IN THE FIELD OF CONSERVATION.

WHEREAS the honorable Walter L. Mims, one of the outstanding members of the Jefferson County Bar, has been re-elected as President of the National Wildlife Federation which is the largest conservationist group in the United States; and

WHEREAS Walter L. Mims has twice been president of the Alabama Wildlife Federation and in 1954 was voted Conservationists-of-the-Year for his efforts on behalf of clean water; and

WHEREAS for nine years before his election as National Wildlife Federation President in 1974, Walter L. Mims has served as the organization's vice-president, and for nine years before that he was a regional director; and

WHEREAS for his conservation work Walter L. Mims in 1964 was presented with the American Motors Conservation Award and in 1973 with the Alabama Bar Association Award of Merit; and

WHEREAS Walter L. Mims was working for clean water and for conservation programs in Alabama long before such work was popular or before the word "environmentalist" was even invented; and

WHEREAS the Alabama Legislature wishes to honor this outstanding man for his work in the field of conservation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate the Honorable Walter L. Mims of Birmingham for being re-elected president of the National Wildlife Federation and do thank him for his untiring efforts throughout the years on behalf of clean water and conservation programs which have benefitted all of the people.

BE IT FURTHER RESOLVED That the Secretary of the Senate is hereby ordered to present a copy of this resolution to the Honorable Walter L. Mims.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 20 S.J.R. 8—Torbert, Jones, Mitchell, Little

SENATE JOINT RESOLUTION

WHEREAS, Alabama is one of the most heritage-rich states in the United States of America; and

WHEREAS, our nation is moving into a full-fledged American Bicentennial Celebration commemorating the 200th anniversary of the founding of our nation in 1776; and

WHEREAS, Alabama abouds in historic, architectural and archaeological landmarks, including some of the most prominent forts, state capitals, trails, Black Heritage, Indian mounds and historic mansions in America; and

WHEREAS, historic landmarks are well worth preserving as visual learning centers for our youth, reflectors of the achievements of our forefathers and enduring evidences for our posterity; and

WHEREAS, restored and preserved Alabama landmarks make considerable contributions to the economy of our state, attracting visitors from every state in the Union and tourists from most foreign nations who are celebrating the Bicentennial in the United States of America.

THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE both Houses thereof concurring that restoration projects with national and international significance undertaken during the Bicentennial years in Alabama be designated as follows:

A. STATE OF ALABAMA—OFFICIAL STATEWIDE BICENTENNIAL PROJECTS

(1) The restoration of the State Capitol in Montgomery, and

(2) The restoration of Fort Toulouse in Elmore County.

B. STATE OF ALABAMA—CERTIFIED BICENTENNIAL RESTORATION PROJECTS

(1) The Bartram Trail in Russell, Macon, Elmore, Montgomery, Lowndes, Butler, Conecuh, Monroe, Escambia, Clarke, Baldwin, and Mobile Counties,

(2) The Natchez Trace in Lauderdale and Colbert Counties,

(3) Fort Conde Plaza in Mobile,

(4) Fort Mims and Fort Morgan in Baldwin County,

(5) St. Stephens Territorial Capital in Washington County,

(6) Cahawba in Dallas County,

(7) Gaineswood in Demopolis,

(8) Tuskegee Institute in Macon County,

(9) Fendall Hall in Eufaula,

(10) Morris Avenue Historic District in Birmingham,

(11) Capitol Square in Tuscaloosa,

(12) Moundville in Hale County, and

(13) Constitution Hall in Huntsville.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 21 S.J.R. 9—Jones, Powell

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF PATROLMAN GEORGE W. McGAUGHEY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the untimely death of George W. McGaughey while courageously attempting to protect a fellow officer, and

WHEREAS Patrolman McGaughey faithfully served his fellow citizens of Montgomery as a law enforcement officer for one year before he was stricken down at the age of 28; and

WHEREAS George W. McGaughey exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS Patrolman McGaughey was the first Montgomery policeman to be killed in the line of duty in over ten years; and

WHEREAS his courage and devotion brought honor to himself and to law enforcement; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do pass this resolution as a memorial honoring George W. McGaughey for his outstanding services to the City of Montgomery and to the State of Alabama and that we extend our deepest sympathy to his widow to whom a copy of this resolution shall be sent.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 22 S.J.R. 10—Jones

SENATE JOINT RESOLUTION

COMMENDING RUBIN M. HANAN FOR HIS COMPASSION FOR THE PLIGHT OF THE ELDERLY AND THE INFIRM.

WHEREAS Rubin M. Hanan is well-known as the spokesman for the old people of Alabama; and

WHEREAS Rubin M. Hanan has served as president of the Alabama League of Aging Citizens, a private organization which seeks to coordinate the effort of several old age pension groups to aid the elderly who would otherwise be destitute; and

WHEREAS Rubin M. Hanan was instrumental in the creation of the State Commission on Aging and was appointed by the Governor to serve as the first chairman of the new commission; and

WHEREAS Rubin M. Hanan has served on the White House Conference on the Aging; and

WHEREAS Rubin M. Hanan was named to the National

Advisory Committee to the Secretary of Health, Education and Welfare by the President of the United States; and

WHEREAS Rubin M. Hanan who as chairman of the Montgomery City-County Joint Charity Hospital Board, was the driving force behind soliciting funds to finance a $700,000 addition to the Lister Hill Health Center; and

WHEREAS in recognition and appreciation for his efforts, the new addition to the health center was named the Rubin M. Hanan Wing of the Lister M. Hill Health Center; and

WHEREAS Rubin M. Hanan is the recipient of the George Washington Honor Medal of the Freedoms Foundation of Valley Forge, Pennsylvania; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend Rubin M. Hanan for his compassion for the plight of the elderly and the infirm, and for his untiring efforts to ease their burden.

BE IT FURTHER RESOLVED That this body goes on record urging one of the outstanding universities of this state to consider Rubin M. Hanan for an honorary degree in the field of humanities.

BE IT RESOLVED FURTHER That a copy of this resolution be sent to Rubin M. Hanan.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 23 S.J.R. 11—Jones, Powell, Mitchell

SENATE JOINT RESOLUTION

COMMENDING JAMES G. McDONALD

WHEREAS James G. McDonald was wounded in the line of duty as a law enforcement officer; and

WHEREAS these wounds were inflicted while officer McDonald was courageously attempting to protect a fellow officer; and

WHEREAS his courage and devotion brought honor to himself and to law enforcement; and

WHEREAS he acted with great bravery even in the face of serious injury, and as a result of the incident which caused his injury his partner was shot to death; and

WHEREAS Patrolman McDonald is presently recovering from his injuries in a Montgomery hospital; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend James G. McDonald for his bravery and we wish him a speedy recovery.

RESOLVED FURTHER, That a copy of this resolution be sent to Officer James G. McDonald.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 24 S.J.R. 12—Littleton

SENATE JOINT RESOLUTION

CONGRATULATING ALABAMA MARINE POLICE OFFICER, BILLY J. ATTAWAY OF CLANTON UPON BEING HONORED AS ALABAMA'S LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS Billy J. Attaway, an Alabama Marine Police Officer from Clanton, has recently been named Alabama's Law Enforcement Officer of the Year for 1974 in a contest sponsored by the Birmingham News, the Alabama Jaycees, the Alabama Petroleum Council and the Alabama Peace Officer's Association; and

WHEREAS this dedicated and energetic gentleman has previously been the recipient of such outstanding honors as the National Olin Marine Safety Award, the Civil Defense Commendation Certificate, the U. S. Coast Guard Commendation Certificate and a U. S. Jaycee Certificate of appreciation and has for the past three years been chosen as the best law enforcement officer in Chilton County, having given generously of his time to secure the safety of those enjoying recreational activities on the Coosa River; and

WHEREAS Billy Attaway has made significant contributions above and beyond the call of duty for the betterment of his community by having written a regular newspaper column, spoken to various civic clubs, worked with Boy Scout and Girl Scouts groups, assisted the Red Cross and helped with the rehabilitation of juvenile delinquents; and

WHEREAS Billy Attaway's work has not only brought honor to himself but it has contributed immeasurably to his

chosen vocation by projecting an image of professionalism to the public; and

WHEREAS recognition by one's fellow citizens for a job well done is one of the most treasured and esteemed honors that can be bestowed upon a man; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this body offers its congratulations to one of Alabama's Law Enforcement Officer of the Year for 1974 and wishes him great success in his future endeavors.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Billy and Janell Attaway and to each of their children, Larry, Leslie and Tracey.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 25 S.J.R. 13—Owen

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two Houses shall meet in session on Tuesdays and Thursdays.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 26 S.J.R. 14—Pearson, McMillan, Clemon

SENATE JOINT RESOLUTION

Wishing Senator Ellis a happy birthday

Whereas, Our colleague, Senator Robert L. Ellis, Jr., is observing his birthday today; and

WHEREAS, We want to assure our friend Bob Ellis that he is still several years short of being a senior citizen; now therefore,

Be it Resolved by the Senate of Alabama, the House of Representatives concurring, That we do wish for Senator Ellis a felicitous anniversary of his birth, and wish for him many happy returns.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 27 S.J.R. 15—Pearson,McMillan

SENATE JOINT RESOLUTION

DECLARING THAT THE LAST FULL WEEK IN FEBRUARY OF EACH YEAR BE DESIGNATED ARBOR WEEK AND TO ENCOURAGE THE CITIZENS OF ALABAMA, PARTICULARLY SCHOOL CHILDREN, TO PLANT TREES.

WHEREAS, the economic and aesthetic welfare of the people of Alabama is largely dependent on the trees and forests of the State; and

WHEREAS, our natural resources including trees and forests, must be protected and replaced; and

WHEREAS, the planting of a tree provides not only instruction, but also a living example of nurturing and taking responsibility for nature; and

WHEREAS, the planting of a tree is not only for the generations of today, but a blessing for future generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last full week in February of each year be designated Arbor Week and that the citizens of Alabama, particularly school children, be encouraged to plant trees in their neighborhoods and school yards during Arbor Week of each year.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Birmingham Beautification Board, the State Garden Club, the Alabama Forestry Commission and to the State Board of Education.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 28 S.J.R. 18—Ellis, Clemon, McMillan, Pearson, Bank, Gilmore, Littleton, Noonan, Mims, Shelby, Weaver

SENATE JOINT RESOLUTION

COMMENDING RONNIE SLOVENSKY ON BECOMING MINOR HIGH SCHOOL'S FIRST ALL AMERICAN.

WHEREAS, Ronnie Slovensky was All-County in football at Minor High School in 1969 and participated in school and Community affairs, and

WHEREAS, Ronnie continued his education at Livingston University where he worked in church and Community affairs and has taken an active part, both on and off the campus, in the Fellowship of Christian Athletes, and

WHEREAS, Ronnie was elected football team captain at Livingston University in 1974 and also Most Valuable Player in 1974, twice N.A.I.A. player of the week, All-American Small College, All-Gulf South Conference, and

WHEREAS, Ronnie Slovensky was selected first team N.A.I.A. All-American in 1974 thereby becoming Minor High School's first All-American and because of his exemplary conduct both on and off the gridiron, now

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Ronnie Slovensky is to be commended for his athletic ability, his leadership and his determination to be an outstanding kicker in football that enabled him to set records at Minor High School, Livingston University and in the Gulf Coast Conference.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Ronnie Slovensky and his family.

Approved April 4, 1975.

Time: 3:45 P.M.

Act No. 29 H.J.R. 45—Crowe

HOUSE JOINT RESOLUTION

COMMENDING GOVERNOR WALLACE UPON BEING CURRENT TOP FAVORITE IN THE 1976 DEMOCRATIC PRESIDENTIAL RACE

WHEREAS Governor George Wallace is currently listed as the choice of 22 percent of the Democrats and 29 percent of all Independents, according to the latest Gallop poll, in the 1976 Democratic presidential race; and

WHEREAS Governor Wallace leads the second choice of Democrats by a margin of 6 percentage points and leads the second choice of Independents by a margin of 16 percentage points; and

WHEREAS this survey was conducted in more than 300 selected localities across the nation between February 28 and March 3, 1975, which indicates the wide geographical area and broad spectrum over which Governor Wallace's appeal lies; and

WHEREAS Governor Wallace has long been noted for his common sense approach to defining the problems of this state and nation and for his willingness to work with all segments of its population to achieve its solutions; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are proud of our Governor, we congratulate him upon his current rating and assure him of our unqualified support in his candidacy for the highest office in the land.

Approved April 11, 1975.

Time: 5:45 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 17th day of April, 1975.

JOHN W. PEMBERTON
Clerk of the House

Act No. 30 H. 6—Drake, Sparks

AN ACT

Levying in Cullman County, Alabama, additional special county privilege and license taxes, paralleling the state sales taxes provided for in Act No. 100 adopted at Second Special Session of the Alabama Legislature of 1959, as amended and supplemented, and additional special excise taxes paralleling the state use taxes provided for in Article 11, Chapter 20, Title 51, of the Code of Alabama of 1940, as amended and supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes, and for the enforcement of this Act by the State Department of Revenue; prescribing penalties and fixing punishment for violations of this Act; and to repeal Act No. 150, 1973 Regular Session of said Legislature, and any other laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

"The County" means Cullman County in the State of Alabama.

"City of Cullman" means the City of Cullman in the County.

"Municipalities Other Than the City of Cullman" means, as

of any particular time, each incorporated municipality in the County other than the City of Cullman which at the time exists in the County and which shall have been incorporated prior to the commencement of the then current Fiscal Year.

"The Commissioner" means the Commissioner of Revenue of the State.

"County Treasurer" means the county treasurer of the County or other officer or entity at the time that exercises the functions of treasurer of the County.

"State Highway Department" means the Highway Department of the State.

"Highway Director" means the director of the State Highway Department.

"State Department of Revenue" means the Department of Revenue of the State.

"State" means the State of Alabama.

"State Sales Tax Statutes" means Act No. 100 enacted at the Second Special Session of 1959 of the Legislature of the State, as heretofore amended and supplemented, including all other statutes of the State which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes which expressly apply to, or purport to affect, the administration of the said Act and the incidence and collection of the tax imposed therein.

"State Sales Tax" means the tax imposed by the State Sales Tax Statutes.

"State Use Tax Statutes" means Article 11, Chapter 20, Title 51 of the Code of Alabama of 1940, as amended and supplemented, including all statutes which expressly set forth any exemptions from the computation of the tax levied in the said Article 11 and all other statutes which expressly apply to or purport to affect the administration of the said article and the incidence and collection of the tax imposed therein.

"State Use Tax" means the tax imposed by the State Use Tax Statutes.

"Registered Seller" means the person registered with the State Department of Revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

"Month" means a calendar month.

"Quarterly Period" means the period of three months ending on the last day of each March, June, September, and December.

"**Fiscal Year**" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms and phrases used in this Act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes, and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Levy of Sales Tax. There is hereby levied and imposed in the County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipt, as the case may be, as follows:

(a) Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within the County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

(b) Upon every person, firm, or corporation engaged or continuing within the County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institutions, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school,

or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the County, an amount equal to one percent of the gross receipts of any such business;

(c) Upon every person, firm, or corporation engaged or continuing within the County in the business of selling at retail machines or machinery used in the mining, quarrying, compounding, processing or manufacturing of tangible personal property (together with the parts of such machines or machinery, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines or machinery, and which are necessary to the operation of such machines and are customarily so used), an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, or machinery, and such parts, attachments, or replacements therefor;

(d) Upon every person, firm, or corporation, engaged or continuing within the County in the business of selling at retail any automotive vehicle, truck trailer, semi-trailer, or house trailer, an amount equal to one-half of one percent of the gross proceeds of sale of said automotive vehicle, truck trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of one dollar and twenty-five cents per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding Months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person; and provided, further, that where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(e) Upon every person, firm or corporation engaged or continuing within the County in the business of selling at retail any

machine, machinery, or equpiment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, an amount equal to one-half of one percent of the gross proceeds of the sale thereof; provided, however, that the one-half of one percent rate prescribed in this subsection (e) with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities; provided, that where any used machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the States Sales Tax Statutes from the computation of the amount of the State Sales Tax.

Section 3. Levy of Use Tax. Excise taxes on the storage, use or other consumption of property in the County are imposed as hereinafter provided in this section.

(a) An excise tax is hereby levied and imposed on the storage, use, or other consumption in the County of tangible personal property purchased at retail, on or after the effective date of this Act, for storage, use or other consumption in the County on or after the effective date of this Act, at the rate of one percent of the sale price of such property (regardless of whether the retailer is or is not engaged in business in the County or in the State), except as provided in subsections (b), (c), and (d) of this section;

(b) An excise tax is hereby levied and imposed on the storage, use or other consumption in the County of any machines or machinery used in the mining, quarrying, compounding, processing, and manufacturing of tangible personal property, (in-

cluding parts of such machines or machinery and attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used), purchased at retail on or after the effective date of this Act for storage, use or other consumption in the County, at the rate of one-half of one percent of the sales price of such machines or machinery, and such parts, attachments or replacements therefor;

(c) An excise tax is hereby levied and imposed on the storage, use, or other consumption in the County at the rate of motive vehicle, truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this Act for storage, use, or other consumption in the County at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer, or house trailer; provided, that where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the difference in the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the County of any machine, machinery, or equipment, which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this Act, for storage, use or other consumption in the County, at the rate of one-half of one percent of the sales price of such property; provided, that the one-half of one percent rate prescribed in this subsection (d) with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities;

(e) An excise tax is hereby levied and imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b), (c) and (d) of this section, on the storage, use or other consumption in the performance of a contract in the State of any such tangible personal property, new or used, the tax to be measured by the sales price

or the fair and reasonable market value of such tangible personal property when put into use in the State, whichever is less; provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b), (c), or (d) of this section apply.

There are exempted from the provisions of this section and the tax imposed by this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the State Use Tax Statutes from the State Use Tax. Subject to those exemptions, every person storing or using or otherwise consuming in the County tanglible personal property purchased at retail on or after the effective date of this Act shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a Registered Seller given pursuant to Section 6 of this Act to the purchaser of any property to be used, stored, or consumed in the County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The taxes levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the Month next succeeding the Month in which the tax accrues; and the use taxes levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the Month next succeeding each Quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such Quarterly Period to end on the last day of each of the Months of March, June, September and December. The taxes levied in Section 2 of this Act shall be paid to and collected by the State Department of Revenue at the same time and along with the payment and collection of the State Sales Tax; and the use tax levied herein shall be paid to and collected by the State Department of Revenue at the same time and along with the payment and collection of the State Use Tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the said Department, setting forth, with respect to all sales and business that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business and setting forth, with respect to the use tax levied herein, the total sales price of all property, the use, storage, or other consumption of which became subject to the said tax during the then preceding Quarterly Period. Such report shall include all such other items of information pertinent to the said

taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the sales taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the Month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of the County or its designated agent, at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the County in a business subject to the tax levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the tax levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every Registered Seller making sales of tangible personal property for storage, use, or other consumption in the County (which storage, use, or other consumption is not exempted from the tax imposed) shall at the time of making such sale or if the storage, use, or other consumption of such tangible personal property in the County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the Month next succeeding following the close of each Quarterly Period, each Registered Seller shall file with the State Department of Revenue a return for the then preceding Quarterly Period in such form as may be prescribed by the State Department of Revenue showing the total sales price of the tangible personal property sold by such Registered Seller, the storage, use, or other consumption of which became subject to the use tax herein imposed during the then preceding Quarterly Period; and each return shall be accompanied by a remittance of the amount of the use tax required to be collected by such Registered

Seller during the period covered by the return; provided, that any Registered Seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding Quarterly Period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a Registered Seller the tax with respect to the use, storage, or other consumption of tangible personal property in the County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the use tax imposed herein, and who has not paid the said use tax due with respect thereto to a Registered Seller, shall report and pay said use tax as required by Section 4 hereof. It shall be unlawful for any Registered Seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use tax imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of said use tax or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes imposed by this Act shall constitute a debt due the County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of the State which apply to the enforcement of liens for license taxes due the State shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of the County, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the State Department of Revenue has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and otherwise to enforce the provisions of this Act, including any litigation involving this Act; and the said Department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment, and collection of the State Sales Tax, mak-

ing of monthly reports and keeping and preserving records with respect thereto, interest after due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the State Use Tax Statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act when applied to the use tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The Commissioner and the State Department of Revenue shall have and exercise the same powers, duties and obligations with respect to the taxes herein levied that are imposed on the Commissioner and the said Department, by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Charge of State Department of Revenue; Its Disposition of Tax Proceeds. The State Department of Revenue shall charge the County for collecting the taxes levied herein the costs to the said Department of collecting the said taxes; provided such charge shall not, in any event, exceed ten percent of the total amount of the taxes collected hereunder. Such charge for collecting the said taxes for the County may be deducted each Month from the tax proceeds collected before the amount of the said proceeds due the County for that Month is certified as provided in this section. The Commissioner shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the State Department of Revenue; and on or before the first day of each successive Month (commencing with the Month next succeeding the Month in which the said Department makes the first collection hereunder) the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the County during the Month immediately preceding the making of such certificate;

and shall state separately in the said certificate the amount of the proceeds so collected from the tax levied in Section 2 hereof and the amount of the proceeds so collected from the tax levied in Section 3 hereof. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the County during each Month, the Commissioner may deduct from the taxes collected hereunder in said Month the charges due the said Department for collection of the said taxes. It shall be the duty of the State Comptroller (i) to issue his warrant each Month, payable to the County Treasurer in his official capacity, in an amount equal to the amount so certified by the Commissioner as having been collected for the use of the County, and (ii) to transmit to the County Treasurer, along with the said warrant, a copy of the said certificate by the Commissioner.

Section 10. Use of Tax Proceeds.

(a) **Distribution by County Treasurer.**

(1) **During Initial Period of Three Hundred Seventy-two Months.** Commencing with the first Month during which proceeds from the taxes herein levied are paid to and received by the County Treasurer pursuant to the provisions of Section 9 hereof, and continuing for three hundred seventy-one (371) consecutive months thereafter, the County Treasurer shall make monthly distributions of the proceeds so paid to him as follows:

(i) $33,334 of the proceeds from the tax levied in Section 2 hereof shall be paid each Month to Cullman County Hospital Board, a public corporation existing under the provisions of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama, as amended;

(ii) one half (50%) of the residue of the proceeds from the taxes herein levied that remains each Month after the payment provided for in the foregoing clause (i) of this paragraph [the said residue consisting of (A) that portion of the tax levied in Section 2 of this Act that remains each Month after making the payment provided for in the said clause (i) and (B) the entire proceeds of the use tax herein levied that is received by the County Treasurer each Month] shall be paid monthly to the City of Cullman; and the remaining one-half (50%) of the said residue is hereby allocated to the County.

(2) **After the Said Initial Period.** Commencing with the Month next succeeding the Initial Period hereinabove referred to, and continuing each Month thereafter, the County Treasurer shall distribute one-half (50%) of the entire tax proceeds to the City of Cullman; and the remaining one-half (50%) of the said tax proceeds is hereby allocated to the County.

(b) **Use of Tax Proceeds Distributed to Cullman County Hospital Board.** The portion of the said tax proceeds that is hereinabove provided to be paid to Cullman County Hospital Board is hereby appropriated to the said Board and shall be used by it solely for payment of costs to the Board of capital improvements to its public hospital, including payment of the principal of and interest on any bonds or other securities heretofore or hereafter issued by Cullman County Hospital Board for payment of costs of such capital improvements and for payments into any special funds that may be established for retirement of any such bonds or other securities in the proceedings providing for their issuance. The term "capital improvements" as used in this subsection (b) includes improvements, additions, and replacements to the said public hospital that are of such nature as to be chargeable to fixed capital account by generally accepted accounting principles, and real estate on which any such improvements, additions or replacements are proposed to be located. The said term shall be deemed to include additional structures and shall be deemed also to include equipment and other personal property when chargeable to fixed capital account by generally accepted accounting principles, and shall not include any operating expenses of the said hospital.

(c) **Use of Tax Proceeds Distributed to the City of Cullman.** The portions of the said tax proceeds that are hereinabove provided to be paid to the City of Cullman may be used by the said City for any lawful purpose.

(d) **Disposition of Tax Proceeds Allocated to the County.** The tax proceeds hereinabove allocated to the County shall be distributed by the County Treasurer monthly as follows:

(1) One-fifth (20%) of said tax proceeds allocated to the County and received by it each Month shall, during each successive Month (commencing with the first Month when proceeds from the taxes herein levied are received by the County Treasurer), be prorated among and paid to the Municipalities Other Than the City of Cullman in the ratio or proportion that the population of each Municipality Other Than the City of Cullman bears to, or constitutes of, the total population of all Municipalities Other Than the City of Cullman, as the population of each of the Municipalities Other Than the City of Cullman may be shown by the then most recently completed official census (whether a federal census or municipal census) with respect to such population; and the tax proceeds distributed under this paragraph (1) may be used for any lawful purpose by each municipality receiving any of the said tax proceeds.

(2) $8,334 of the said tax proceeds allocated to the County and received by it each Month is hereby appropriated for use in paving and resurfacing roads and constructing, repairing, and

maintaining bridges in the County, shall be paid by the County Treasurer each Month to the Highway Director, and shall be used exclusively by the Highway Director and the State Highway Department for such paving and resurfacing of roads and construction, repairing and maintaining of bridges in the County. The amounts to be so paid to the Highway Director shall be in addition to any and all sums used pursuant to any other law by the Highway Director for the construction, reconstruction, repair, and maintenance of roads and bridges in the County. The expenditure by the State Highway Department of the sums paid to the Highway Director hereunder shall be made only on projects which have been consented to by the governing body of the County; and if any portion of said sums should remain unexpended at the end of any Fiscal Year, the said unexpended portion shall be remitted, as promptly thereafter as may be practicable, by the Highway Director to the County and deposited in its general fund. An annual accounting of the sums paid to the Highway Director hereunder shall be made in October of each year by the Highway Director to the governing body of the County.

(3) The residue of the portion of the tax proceeds allocated to the County hereunder, after making the monthly payments herein provided to be made to the Municipalities Other That the City of Cullman and to the Highway Director shall be retained or paid into the general fund of the County and may be used by the County for any lawful purpose.

The County Treasurer, as promptly as may be practicable after receiving the tax proceeds allocated herein to the County, shall draw warrants payable to each Municipality Other Than the City of Cullman for its respective pro rata share of the tax proceeds, and a warrant payable to the Highway Director for the moneys herein provided to be paid to him.

Section 11. Repeal Provisions. Act No. 150 adopted at the 1973 Regular Session of the Legislature of Alabama shall be and hereby is repealed; and any other laws or parts of laws in conflict with this Act are also repealed.

Section 12. Severability Clause. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Effective Date. This Act shall become effective on the first day of the Month next following the expiration of thirty days from the date this Act becomes law.

Approved April 11, 1975.

Time 5:45 P.M.

Act No. 31 H.J.R. 42—Edwards, Plaster

HOUSE JOINT RESOLUTION

COMMENDING THE FT. DEPOSIT ACADEMY FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS the Fort Deposit Academy Football Team won the class C championship of the Alabama Private School Association by winning playoff games against fine teams from Edgewood and Thomasville Academies; and

WHEREAS these play-off victories capped off a successful 7-3-1 regular season during which the Ft. Deposit Academy team displayed sportsmanship and a winning spirit as well as excellence in the technical skills of the game; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Ft. Deposit Academy football team for their fine season and well-earned championship victories.

BE IT FURTHER RESOLVED, That we highly commend Coach Robert E. Hanson and assistant coaches Bobby Rogers and Sam Cates for a job well done.

RESOLVED FURTHER That copies of this resolution be sent to Coach Hanson, Coach Rogers, Coach Cates, and to each team member.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 32 H.J.R. 43—Cross, Carter

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. ANNIE GRAHAM

WHEREAS this body has noted with a sense of deep regret the passing of Mrs. Annie Graham; and

WHEREAS Mrs. Graham was the faithful and devoted helpmate of Ralph E. Graham, a farmer, teacher, and minister; and

WHEREAS Mrs. Graham personified the most noble and virtuous attributes of motherhood, being the mother of twelve children, and always instilling in her children those admirable attributes of love, honesty, morality, virtue, uprightness, and a will to work; and

WHEREAS Mrs. Graham was a registered nurse and in 1972 was named Alabama Mother of the Year; and

WHEREAS Mrs. Graham was ever ready to contribute her time and skills to administer to her neighbors who were ill and in need of help; and

WHEREAS Mrs. Graham devoted her life to the strengthening of the family and making this world a better place in which to live; and

WHEREAS Mrs. Graham's excellent life, motherly devotion, devout service and neighborly kindness brought great honor to her, her area, her state and nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Annie Graham and express our deep and sincere sympathy to her family to whom copies of this resolution shall be sent.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 33 H.J.R. 44—Kinsey, McMillan

HOUSE JOINT RESOLUTION

COMMENDING W. CHANDLER MCGOWAN UPON HIS RETIREMENT AS SUPERINTENDENT OF EDUCATION OF BALDWIN COUNTY.

WHEREAS, W. Chandler McGowan retired as Superintendent of Education of Baldwin County on December 31, 1974; and

WHEREAS, Mr. McGowan served the Baldwin County schools for over 49 years, the last 21 of which as Superintendent of Education for the county; and

WHEREAS, Mr. McGowan is a native of Latham, and was educated in Baldwin County Schools, and received his B. A. and M. A. degrees from the University of Alabama; and

WHEREAS, W. Chandler McGowan is married to a former school teacher, Evelyn Garrett of Robertsdale, and they have one daughter and one granddaughter; and

WHEREAS, during his term of service Mr. McGowan always worked with diligence and unswerving loyalty to further the cause of education in Baldwin County and thereby earned a state-wide reputation as an able school administrator; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend W. Chandler McGowan for his many years of loyal and valuable service not only to Baldwin County, but to education throughout the state, and wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. McGowan and his family, and that a copy of this resolution be sent to the Baldwin County Board of Education to be placed on permanent display at their office in Bay Minette.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 34 H.J.R. 47—Crowe

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LUCHIE VICKERY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Luchie Vickery of Cordova; and

WHEREAS Mr. Vickery was a life-long resident of Walker County where he was a devoted community builder who served his neighbors with great love and dedication; and

WHEREAS since his retirement as plant manager of Indian Head Mills, Luchie Vickery devoted his energy and ability to the Walker-Winston Community Action Agency as director, the Cordova Baptist Church as an active member, and the Masons as a Master Mason; and

WHEREAS this legislature would like to pay tribute to this beloved man and fine citizen whose life enriched the lives of all those who knew him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Luchie Vickery and express our deep and sincere sympathy to his widow, Mrs. Margene Vickery, and his family to whom copies of this resolution shall be sent.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 35 H.J.R. 49—Andrews, Burgess, Hall, Harrison, Callahan, Holmes, Brindley, Johnstone, Merrill, Boles, Gafford, Armstrong, Falkenburg, Trammell, McNees, Hill, Clark, Barron, Lutz, Robertson, Moore(O), Jackson(R), Crawford, Folmar, Sasser, Hilliard, Morris, Quarles, Hopping, Naramore, McNair, Crowe, Owens, Leonard, Jolly, Hines, Williams, Waggoner, Moore (W), Gregg, Killian, Starkey, Warren, Sparks, Taylor, Riddick, McCluskey, Coburn, Teague, Wyatt, Venable, Shelton, Lee, Johnson, Howard, Manley, Carter, Albright, Ford, White, Porter, Lockett, Campbell, Glass, Tucker, Holley, Kinsey, Smith (M),) Martin, Reed, Pegues, McCorquodale, McCulley, Plaster, Biddle, Carothers, Smith (C), Lewis, Roberts, Cates, Rich, Kelley, Dial, Cooper

HOUSE JOINT RESOLUTION

COMMENDING HOUSE CLERK JOHN PEMBERTON FOR HIS PATIENCE AND HELPFULNESS

WHEREAS John Pemberton has carried out his duties as Clerk of the House of Representatives in a manner both courteous and helpful; and

WHEREAS John Pemberton's untiring patience and helpfulness have especially benefitted the freshman members of this body, soothing the shock of transition from private life to the turbulence of a legislative session; and

WHEREAS this legislature would like to express its appreciation to John Pemberton for his very able and amiable assistance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Clerk of the House of Representatives John Pemberton for his unceasing patience and courteous helpfulness to the members of the legislature.

RESOLVED FURTHER that copies of this resolution shall not be certified as a true and correct copy by the Clerk of the House, but the Speaker of the House shall so certify such copies by his signature.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 36 H.J.R. 51—Jackson (R), Porter, Tucker

HOUSE JOINT RESOLUTION

MEMORIALIZING AARON DORSEY JONES FOR HIS OUTSTANDING PLAY AND CAREER AS A WEST END LIONS RUNNING BACK.

WHEREAS, AARON DORSEY JONES is a senior attending WEST END High School.

WHEREAS, he has compiled an outstanding athletic record as a football player on the West End Lions Varsity Team.

WHEREAS, during the immediate past football season Aaron Dorsey Jones rushed for a total of One Thousand, Seven-Hundred and Twenty-Four yards (1,724 yards) and scored twenty-one (21) touchdowns.

WHEREAS, Aaron Dorsey Jones has received Athletic Grants in Aid from Tennessee State University, Livingston State University and the University of Georgia.

WHEREAS, Aaron Dorsey Jones contributed much talent, dedication and cooperation in helping to compile the outstanding record of the West End Lion Football Team.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT WE DO HEARTILY COMMEND AARON DORSEY JONES for his outstanding record.

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION be sent to young Mr. Jones, the principal and coach of West End High School.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 37 H.J.R. 51—Jackson (R), Porter, Tucker

HOUSE JOINT RESOLUTION

COMMENDING THE WEST END HIGH SCHOOL ("LIONS") FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the WEST END Lions football team posted a perfect regular season mark of 10-0, winning one post season game and losing their only game of the entire season by one point for a combined season record of 11 and 1.

WHEREAS, this superlative WEST END LIONS Football team stopped the 35 game winning streak of then defending Alabama High School 4-A Champions Banks High, during the regular season.

WHEREAS, the WEST END "LIONS" have participated in the State 4-A Football play-offs four of the past five years.

WHEREAS, Coaches Williams, Burgess, Pettus, Martina and Rorie are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT we do heartily commend the West End Lions Football Team for its outstanding season.

BE IT FURTHER RESOLVED, THAT copies of this resolution be sent to the principal of West End High School, the coach of the team and to each player of the West End High School Football Team.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 38 H.J.R. 53—Jackson (R), Porter, Tucker

HOUSE JOINT RESOLUTION

MEMORIALIZING ALLEN MURPHY FOR HIS OUTSTANDING COLLEGIAN BASKETBALL CAREER.

WHEREAS, ALLEN MURPHY is a native Alabamian and resident of Birmingham, Alabama; and

WHEREAS, Allen Murphy cultivated his God Given athletic talents at A. H. Parker High School; and

WHEREAS, Allen Murphy was an outstanding performer for the A. H. Parker "Thundering Herd" Basketball Team, being named to All-City and All State teams

WHEREAS, Allen Murphy made proud all Alabamians with his brilliant scoring for the University of Louisville against now National Champions U. C. L. A.; and

WHEREAS, Allen Murphy throughout his career has worked diligently long and hard to achieve his status as an All-American basketball player

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT we do heartily commend Allen Murphy for his outstanding collegian basketball career.

BE IT FURTHER RESOLVED, THAT copies of this resolution be sent to the Allen Murphy, the principal of Parker High and the Athletic Director of the University of Louisville and his parents.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 39 H.J.R. 54—Jackson (R), Porter, Tucker

HOUSE JOINT RESOLUTION

COMMENDING THE A. H. PARKER HIGH SCHOOL ("THUNDERING HERD") FOR WINNING THE STATE FOUR-A (4-A) BASKETBALL CHAMPIONSHIP.

WHEREAS, the A. H. PARKER HIGH SCHOOL "THUNDERING HERD OF BISONS" has recently completed one of its most successful seasons.

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, the team exhibited consumate skill and dexterity in every phase of the game of basketball, dribbing with great aplomb, shooting with deadly accuracy, and rebounding with singular fero-city, in defeating their rivals.

WHEREAS, Coaches William H. ("Cap") Brown and John H. Willis are both due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the "Thundering Herd" basketball team compiled an overall record of thirty-three wins (33) and three losses (3).

WHEREAS, the "Thundering Herd" was the winner of the Shades Valley Invitational Tournament and the Birmingham City Schools Basketball championships in addition to defeating the Phillips High School Red Raiders in the State 4-A High School Basketball championship game.

WHEREAS, the A. H. Parker "Thundering Herd" basketball team has participated in the State 4-A Championship Tournaments five (5) of the past seven (7) years, having won said championships three (3) times and finishing in third place twice among said years, and

WHEREAS, the A. H. Parker "Thundering Herd" ended the 29 game winning streak of the theretofore unbeaten and invincible "Generals" of Robert E. Lee High School of Montgomery with the superlative free throw shooting of Richard Ford hitting 12 of 12 such shots, while the team itself hit 18 of 19 such shots to advance from this semifinal contest to the championship contest, and

WHEREAS, the A. H. Parker "Thundering Herd" defeated the Phillips High School Red Raiders, in an all Birmingham championship finale, by the score of 56 to 53.

WHEREAS, over the past twelve (12) years the A. H. Parker "Thundering Herd" basketball team has amassed Three Hundred and thirty-eight (338) wins Sixty-seven (67) losses (338-67) for a winning percentage of approximately 83% for said period.

WHEREAS, the twelve year records for the A. H. Parker High School reflects a record of:

1963-64	43-1	(National Champs)
1964-65	33-2	
1965-66	27-9	
1966-67	25-8	
1967-68	22-9	
1968-69	29-2	(State Champs)
1969-70	29-2	
1971-72	20-13	
1972-73	20-11	
1973-74	25-7	
1974-75	33-3	(State Champs)

WHEREAS, basketball teams of the A. H. Parker High School have been Alabama State champions in the years 1969, and 1971 prior to this year's championship.

WHEREAS, A. H. Parker High School is the only Alabama High School to have won a National High School Basketball Championship, so doing in Nashville, Tennessee in 1964.

WHEREAS, the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; and

is indicative of the fine "Thundering Herd" tradition which has been well cultivated in the youth who play on the hardwood of Parker High, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the basketball team and the High School for winning the State 4-A championship.

BE IT FURTHER RESOLVED, That April 25, 1975, be declared A. H. PARKER THUNDERING HERD DAY in Alabama, and that this championship team, its principal and coaches be invited to this Honorable Legislature to be Honorary MEMBERS FOR A DAY.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal of the school, each coach and player, and one copy to the parents or guardian of each player of this championship team.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 40 H.J.R. 50—Dial

HOUSE JOINT RESOLUTION

COMMENDING THE LINEVILLE HIGH SCHOOL BASKETBALL TEAM

WHEREAS, the Lineville High School Basketball Team finished the season with an impressive record of twenty-six wins and five losses; and

WHEREAS the Lineville Aggies, due to their outstanding ability and play, compiled the following tournament record:

First Place—Region Three—Area Six

First Place—Goodwater Invitational

Second Place—Dadeville Classic

Second Place—Clay County Tournament; and

WHEREAS the team worked diligently long and hard to achieve this outstanding record; and

WHEREAS Coach Tommy Cato is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS the spirit of the team is reflective of their

school, faculty, parents and the good citizens of their area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the Lineville High School Basketball Team for their winning season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Tommy Cato and team members; Barry Kidd, Marshall Griffin, Royce McLain, Fred Goodwin, John Phillips, Tony Graben, Bill Todd, Ronald Robertson, Larry Robertson, Michael Smith and Donnie Lindsey.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 41 H.J.R. 56—Teague

HOUSE JOINT RESOLUTION

COMMENDING DR. ROBERT STOCK FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY OF CHILDERSBURG, ALABAMA

WHEREAS Dr. Robert Paul Stock came to the Childersburg, Alabama community in 1937 after having received his degree from the University of Alabama in 1926 and his medical degree from the Medical College of South Carolina in 1928, and began his medical practice in 1937 in Childersburg; and

WHEREAS Dr. Stock was instrumental in acquiring the Childersburg Hospital in 1943, and operating it until 1948; and

WHEREAS Dr. Stock's loyal civic endeavors and beneficial contributions have brought about much progress to the City of Childersburg, Alabama; and

WHEREAS he was a charter member of the Childersburg Chamber of Commerce and served as its first president; and

WHEREAS his outstanding work has brought honor and credit to the medical profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Dr. Stock for his untiring efforts and sincere dedication to the Childersburg Community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Stock.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 42 H.J.R. 57—Teague

HOUSE JOINT RESOLUTION

COMMENDING THE CHILDERSBURG HIGH SCHOOL BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON

WHEREAS, the Childersburg High School basketball team "Tigers" clinched the Region 4, Area 8 championship for Class 3-A basketball competition by defeating Pell City; and

WHEREAS, the Tigers upset formidable Wetumpka High School in the regional championship game, finishing their season with an impressive 22-7 record; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES, THEREOF CONCURRING, That we congratulate the Tigers on their fine season and commend their coach and players for their outstanding efforts.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Childersburg High School, to the basketball head coach, and to each member of the Childersburg High School "Tigers" basketball team.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 43 H.J.R. 58—Reed

HOUSE JOINT RESOLUTION

COMMENDING CHARLES M. REYNOLDS OF FITZPATRICK, ALABAMA, FOR HIS OUTSTANDING ACHIEVEMENTS IN FARMING.

WHEREAS Charles M. (Mike) Reynolds has been chosen Alabama's outstanding young farmer by the Alabama Jaycees, and the outstanding soybean farmer by the Alabama Farm Bureau; and

WHEREAS in his four years of fulltime farming Mike Reynolds has become a prominent and respected figure in the field of agriculture in central Alabama, serving as president of the Bullock County Cattlemen's Association, an active member of the Alabama Crop Improvement Association, the Alabama Soybean Association, the Central Alabama Certified Seed Producers; and

WHEREAS Mike Reynolds also serves as external vice-president of the Bullock County Jaycees and as soybean committeeman for the Farm Bureau; and

WHEREAS in producing crops and livestock on 1,600 acres, Mike and his wife, Linda, are a fine example of the farm family that has fed the nation and strengthened the fabric of our society; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREIN CONCURRING, That we most heartily commend Charles M. (Mike) Reynolds for his achievements in and contributions to agriculture in Alabama.

RESOLVED FURTHER, That copies of this resolution be sent to Mike Reynolds, his wife Linda and their two children.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 44 H.J.R. 59—Sasser, McNair

HOUSE JOINT RESOLUTION

COMMENDING WILBUR JACKSON FOR HIS OUTSTANDING GRIDIRON ACHIEVEMENTS.

WHEREAS Wilbur Jackson is a football player of extraordinary talents and abilities whose selection as the National Football Conference Rookie of the Year is only the latest in a long succession of honors he has earned; and

WHEREAS Wilbur Jackson began his football career at Carroll High School in Ozark, Alabama, where he was an all-state performer as a pass receiver; and

WHEREAS Wilbur Jackson was the first black athlete to receive a football scholarship to the University of Alabama; and

WHEREAS despite the pressure he was under and the added handicap of playing in the unfamiliar position of half-back, Wilbur Jackson excelled at Alabama, scoring 19 touchdowns, averaging more than seven yards per carry, and was selected first team ALL Southeastern Conference after lettering 3 years on Southeastern Conference Championship Teams which played in the Orange, Cotton, and Sugar Bowls; and

WHEREAS after graduation from Alabam, Wilbur Jackson has continued to play the game of football with the same flair and excellence, participating in the Senior Bowl and Coaches All American game, and last season proving that the San Francisco 49ers made a wise choice when they drafted him in the first round of the professional football draft by gaining more than 1,000 yards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Wilbur Jackson for the hard work, courage and determination that have made him one of the finest football players this state has produced.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 45 H.J.R. 61—Martin, Roberts, Cross, Drake

HOUSE JOINT RESOLUTION

COMMENDING THE STUDENTS AND STAFF OF AUSTIN HIGH SCHOOL FOR THEIR RECORD-SETTING BLOOD DRIVE.

WHEREAS the student body and staff of Austin High School in Decatur held a Blood Donation Drive on March 27, 1975; and

WHEREAS the 1,400 pints of blood collected by the students and staff of Austin High broke the national record for blood collection; and

WHEREAS the old record of 1,034 pints of blood which was broken during this drive was set by this same school one year ago; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the students and staff of Austin High School for their success in this noble and generous cause; and Blood Drive Co-Chairmen Jimmy Smith and Ann Klopfenstein, Student Council President Buddy Wallace, Student Council Sponsor Frank Sadler, and Principal Sailors for their dedicated efforts; and all those who gave of themselves so that others might live.

RESOLVED FURTHER, That copies of this resolution be sent to Dr. J. V. Sailors, Coach Frank Sadler, Buddy Wallace, Jimmy Smith, and Ann Klopfenstein.

Approved April 11, 1975.

Time: 5:45 P.M.

Act No. 46 S.J.R. 16—Pearson, McMillan, Clemon

SENATE JOINT RESOLUTION

COMMENDING THE REV. DR. NELSON H. SMITH FOR TWENTY-ONE YEARS OF DEVOTED SERVICE TO THE NEW PILGRIM BAPTIST CHURCH AND THE BIRMINGHAM COMMUNITY; AND FOR HIS OUTSTANDING REPRESENTATION OF THE STATE OF ALABAMA AS PRESIDENT OF THE PROGRESSIVE NATIONAL BAPTIST CONVENTION.

WHEREAS the Rev. Dr. Nelson H. Smith has for twenty-one years been a prominent and influential leader in the civic and religious life of Birmingham, during which time he has rendered dedicated and steadfast service to the New Pilgrim Baptist Church; and

WHEREAS he has brought great honor to this state through his outstanding service as President of the Progressive National Baptist Convention; now therefore

BE IT RESOLVED BY THE LEIGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Rev. Dr. Nelson H. Smith be heartily commended and congratulated for this distinguished service to his community and his state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Rev. Smith and to the New Pilgrim Baptist Church.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 47 S.J.R. 17—McDonald (A), King, Baker

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS SALLY CASH, THE 1975 ALABAMA MAID OF COTTON

WHEREAS Miss Sally Cash, the beautiful nineteen year old daughter of Mr. and Mrs. Mitchell Cash of Huntsville has been named the 1975 Alabama Maid of Cotton; and

WHEREAS Miss Cash is a sophomore majoring in mathematics at the University of Alabama, where she is on the Dean's List; and

WHEREAS this body recognizes the vital economic importance cotton has had in the history of our state and we think that it is most appropriate that this gracious and charming Maid of Cotton hails from Madison County, the number one cotton producing county in Alabama; and

WHEREAS Miss Cash is a credit to the State of Alabama and her personality and charm, in addition to her brains and beauty, make her an admirable candidate for National Maid of Cotton.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Cash upon her selection as Maid of Cotton.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Cash and to her parents.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 48 S.J.R. 20—Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. HOLLEY MITCHELL.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of Mr. Holley Mitchell; and

WHEREAS, Mr. Mitchell was the landscape engineer for the State of Alabama Highway Department; and

WHEREAS, Mr. Mitchell was responsible for landscaping along Alabama's vast road system in addition to maintenance consideration and highway design and construction; and

WHEREAS, he was the recipient of numerous awards on both the national and regional levels; and

WHEREAS, he was a city planner for the State Planning and Industrial Development Board, and a founder and vice president of Keep Montgomery Beautiful; and

WHEREAS, Mr. Holley Mitchell was well-known to garden club members and worked with individual clubs throughout the state on roadside developments; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. Holley Mitchell and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 49 S.J.R. 21—Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ARTHUR DOUGLAS ALLEN.

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the death of Mr. Arthur Douglas Allen; and

WHEREAS, Mr. Allen served three terms as a member of the Randolph County Commissions Court from District 4; and

WHEREAS, Mr. Allen was a devoted community builder who served his people with great love and dedication; and

WHEREAS, he was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, county and state; and

WHEREAS, Mr. Allen's enthusiasm for his work, his devoted services to his community, his wit and personal charm endeared him to all who knew him; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Arthur Douglas Allen and express our deep and sincere sympathy to his widow, Mrs. Annie Lois Allen, and his family to whom copies of this resolution shall be sent.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 50 S.J.R. 24—Jones

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES RAYMOND PARKER

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of James Raymond Parker, the chief of the accounting section of the Alabama Department of Conservation and Natural Resources, who departed this life on March 20, 1975; and

WHEREAS Mr. Parker was a veteran of the U.S. Army Air Corp, having served his country three and one-half years in

World War II, and who served as a state employee since 1946 and who became the chief of the Conservation accounting section in 1949 and held that position continuously until the time of his death; and

WHEREAS Mr. Parker served under many Governors and Directors of Conservation, all of whom highly valued and sought his wisdom and knowledge on conservation fiscal and other matters; and

WHEREAS Mr. Parker, who was affectionately known to his multitude of friends simply as "Ray", reflected the uncommon endowments of foresight, perseverance and capacity for intelligent leadership and he shall be keenly missed by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS Ray Parker so exhibited throughout his life those admirable attributes of friendliness, devotion to duty and concern to his fellowman as to gain respect and affection of all who knew him, whether close friend or mere acquaintance; and

WHEREAS Ray Parker was not the kind of man who shouted his good ideas from the roof top but who quietly did many things on behalf of his fellowmen and friends without them ever knowing it; and

WHEREAS this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Raymond Parker and express our deep and sincere sympathy to his widow, Mrs. Juanita Parker, and his two daughters, Mrs. Lana Parker Baker and Mrs. Patricia Parker Calloway, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Commissioner of the Department of Conservation and Natural Resources with our request that it be permanently displayed at an appropriate spot on the premises of the department headquarters as a memorial to Mr. Parker.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 51 S.J.R. 26—Ellis, Pearson, McMillan, Clemon, Noonan, Stewart, Wilson, Adams, Perry, Little, Torbert, Flippo,

Foshee, Littleton, McDonald (A), Waldrop, King

SENATE JOINT RESOLUTION

REQUIRING CERTAIN DUTIES OF THE STATE PERSONNEL BOARD RESPECTING THE CLASSIFICATION OF POSITIONS FOR EMERGENCY MEDICAL SERVICES AND THE ESTABLISHMENT OF RATES OF PAY

WHEREAS, the health of the people of the State of Alabama is of paramount importance, and the provision for more adequate and efficient emergency medical services personnel is of dire and vital import; and

WHEREAS, in order to carry out the mandates expressed by the legislature to provide comprehensive health planning and particularly to provide for the employment of personnel of the highest qualification and competence in the emergency services division of the state health department is basic to the success of the entire program; and

WHEREAS, intense competition among private and governmental agencies for persons skilled in emergency health services and the protection of health makes it impossible to recruit qualified new personnel and makes it difficult to retain competent personnel under present conditions; and

WHEREAS, the increased and expanding programs for providing emergency health services throughout the nation has created and will create intense competition among those programs for the limited supply of top quality medical technicians and persons skilled in allied health services, and there is strong evidence that pay rates currently applicable to such employees in Alabama fall far below the national average and below the Southeastern regional average for such pay rates; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state personnel board shall provide for the establishment within the state merit system of new job descriptions defining the duties of emergency medical personnel and prescribing requirements for qualifying for such positions. Within 30 days after the effective date of this resolution, the said board is hereby directed to make surveys of the other states within the Southeastern region to determine prevailing rates of pay for comparable emergency medical service positions as such positions are classified under this state's merit system law. Within 60 days after the effective date of this resolution, the said board shall set and maintain rates of pay for emergency medical service positions as such positions are respectively classified, at no

less than the median of the prevailing rates for such positions in the Southeastern region. The state personnel board is also directed to up-date rates of pay biennially for emergency medical service positions in the same manner as such rates are originally established in order to attract and retain competent personnel.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the state personnel board and the Governor.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 52 S.J.R. 27—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JAMES MORRIS FORD OF GADSDEN.

WHEREAS Mr. James Morris Ford was a life long resident of Gadsden, Alabama, where he served very ably as Postmaster of the Gadsden Post Office; and

WHEREAS Mr. Ford was a loved and respected member of the community and an active member of the First United Methodist Church, where he served as a member of the Official Board and Bible Class teacher; and

WHEREAS Mr. Ford also gave of his time and efforts to his community through the Gadsden Civitan Club and the Etowah County TB Association; and

WHEREAS this Legislature would like to pay tribute to this fine man whose life enriched the lives of his neighbors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Morris Ford and express our deep and sincere sympathy to his widow Mrs. Virginia Hubbard Ford and his family to whom copies of this resolution shall be sent.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 53 S.J.R. 28—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF EMORY LOYD BOGGS OF GADSDEN

WHEREAS Emory Loyd Boggs was a fine young man and a devoted Christian whose life was dedicated to the ministry; and

WHEREAS Emory Boggs was preparing for this career of service to God and man at Gadsden State Junior College while remaining active in the Bellevue United Methodist Church and the Extended Ministries Association; and

WHEREAS Emory Boggs' love and concern for his fellowman found further expression when he helped found the Free Fellowship House, when he was youth director of the First United Methodist Church of Attala, and when he was a physical director of the Central Boys Club; and

WHEREAS Emory Boggs life was cut short by a wanton and senseless act of violence; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Emory Loyd Boggs and express our deep and sincere sympathy to his parents, Captain and Mrs. W. L. Boggs, and his family, to whom copies of this resolution shall be sent.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 54 S.J.R. 30—Jones, Foshee, King

SENATE JOINT RESOLUTION

TO ENCOURAGE CONGRESS TO AMEND THE INTERNAL REVENUE CODE TO GIVE TAX PAYERS CREDIT ON THEIR TAXES THE DEDUCTION OF THEIR UTILITY BILLS AS A TAX ITEM.

WHEREAS the enormous increase of utility bills has put a tremendous burden on all the citizens of our country, and

WHEREAS this situation has reached a crisis situation in the State of Alabama and the rest of the country,

NOW THEREFORE BE IT RESOLVED that the Legislature of Alabama, both Houses concurring, urges the Alabama Congressional Delegation to introduce legislation to amend the Internal Revenue Code so that the home owners' utility bills will be a deductible item on their income tax;

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Alabama Congressional Delegation, both Senate and House members, and to President Ford.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 55 S.J.R. 34—Stewart, Powell

SENATE JOINT RESOLUTION

AUTHORIZING A STUDY OF ELEMENTARY AND SECONDARY SCHOOL BUILDINGS BY THE ALABAMA EDUCATION STUDY COMMITTEE

WHEREAS during the Joint Interim Committee on Finance and Taxation Committee's budget hearings, numerous instances were pointed up where students in Elementary and Secondary School system of this State were attending classes in buildings which were known to be hazardous to both the safety and health of these children, and

WHEREAS, numerous members of the Joint Interim Committee on Finance and Taxation, expressed concern that these conditions existed within the State's Elementary and Secondary School system, and

WHEREAS, the desire was expressed by many members of the joint committee to know the extent to which these problems exist throughout the State of Alabama, and to arrange for a possible solution and take steps to immediately eliminate conditions which may be injurious to the health of the students of this State,

NOW THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a study be immediately conducted under the auspices of the Alabama Education Study Committee to determine the extent of the above mentioned problem including the availability of classroom space, and a report made to the Legislature by June 1, 1975.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 56 H. 20—Sasser, Williams

AN ACT

To name the administration-classroom building at Alabama Aviation and Technical College in Ozark, Alabama, the Henry B. Steagall, II Building.

WHEREAS, the main building of the Alabama Aviation and Technical College, Ozark, now known as the administration-classroom building, has no specific name; and

WHEREAS, the Honorable Henry B. Steagall. II, who is now Executive Secretary to our Governor, Honorable George C. Wallace, and served in the State Legislature representing Dale County for a number of years; and

WHEREAS, while a member of the Legislature, was instrumental in providing funds for construction of this and other buildings for this college; and

WHEREAS, Mr. Steagall has been and is an outstanding member of the community in church and civic affairs and is well known and respected by all; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The administration-classroom building at Alabama Aviation and Technical College in Ozark, Alabama, is hereby named the Henry B. Steagall, II Building.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 57 H.J.R. 62—Lutz, Albright, Riddick, Smith (B), Moore (W), Gregg

HOUSE JOINT RESOLUTION

Congratulating Alabama A & M University on Its Centennial Year.

WHEREAS, Alabama Agricultural and Mechanical University at Huntsville, better known as Alabama A & M, opened its doors on May 1, 1875, and is therefore, now celebrating its Centennial Year; and

WHEREAS, Alabama A & M has grown from an original enrollment of sixty-one students to over four thousand students; and

WHEREAS, throughout the past century, Alabama A & M has contributed significantly to the educational, cultural and economic strength of the state; and

WHEREAS, the graduates and alumni of Alabama A & M

have brought great credit to the State of Alabama in their various professions and endeavors.

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE, Both Houses thereof concurring, That we do extend our heartiest congratulations to the student body, faculty, staff and alumni of Alabama A & M University on this, the Centennial Year of that great institution, and we do further express our appreciation for the many contributions of Alabama A & M to the State of Alabama and its people.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 58 H.J.R. 65—Sandusky, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Burgess, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lockett, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Wyatt

HOUSE JOINT RESOLUTION

COMMENDING REP. GARY COOPER ON HIS RECENT PROMOTION TO LT. COLONEL IN THE U. S. MARINE CORPS RESERVE.

WHEREAS our valiant freshman colleague Rep. Gary Cooper of Mobile is a decorated Vietnam War veteran who courageously and patriotically served his country as an officer in the U. S. Marine Corps; and

WHEREAS Rep. Cooper's distinguished Vietnam service record includes two Purple Hearts and a Bronze Star; and

WHEREAS Rep. Cooper's outstanding leadership qualities on the battlefield have been reflected within this chamber through the reserved, tactful and diplomatic manner in which he has negotiated with the members of this legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Rep. Cooper for his outstanding military record and for his recent promotion to Lt. Colonel in the U. S. Marine Corps Reserve.

RESOLVED FURTHER, That a copy of this resolution be presented to Rep. Cooper.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 59 H.J.R. 66—Weeks, Drake, McCorquodale, McNees, Smith (C)

HOUSE JOINT RESOLUTION

COMMEMORATING THE TOWN OF GUIN AND HER EFFORTS TO REBUILD FROM THE TORNADO THAT STRUCK A YEAR AGO TODAY

WHEREAS one year ago today a tornado hit the town of Guin in Marion County; and

WHEREAS this tornado caused much damage and destruction to the town of Guin and took the lives of several of Guin's cherished residents; and

WHEREAS the citizens of Guin have fought back after this tragedy to rebuild their town; and

WHEREAS the town of Guin is commemorating this day as a memorial to their lost loved ones and to the town's valiant efforts to rebuild; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this

body recognizes this day in commemoration to the town of Guin and to her valiant efforts to rebuild from the tragedy that struck a year ago today.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 60 H.J.R. 77—Lutz, Gregg, Albright, Moore (W), Smith (B), Riddick

HOUSE JOINT RESOLUTION

Welcoming Exchange Students from Barranquilla, Colombia.

WHEREAS, the Alabama Legislature is honored to have in its midst a group of exchange students from Barranquilla, Colombia; and

WHEREAS, the presence of these young people typifies the warm relations between the United States of America and the Republic of Colombia; and

WHEREAS, there exist many cultural, economic, and social ties between the State of Alabama and the Republic of Colombia.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do extend a warm welcome to our friends from Colombia and do wish them well during their visit in Alabama.

BE IT FURTHER RESOLVED, That we do declare said Colombia Exchange Students to be honorary citizens of the State of Alabama.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 61 H.J.R. 79—Glass, Callahan, LeFlore, Cooper, Johnstone, Malone, Sonnier, Sandusky, McCulley

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF SOUTH ALABAMA BASEBALL TEAM

WHEREAS the University of South Alabama baseball team is number 1 in rankings compiled by Collegiate Baseball newspaper; and

WHEREAS the Jaguars of South Alabama have compiled an impressive record of 36 wins and 1 loss and have won 19 straight games; and

WHEREAS Coach Eddie Stanky and his assistant coaches are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS the team has brought recognition to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the University of South Alabama baseball team on their outstanding record.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Fred P. Whiddon, Coach Eddie Stanky and to each team member.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 62 S. 45—Jones, Powell, Mitchell

AN ACT

Relating to circuit court jurisdiction, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of circuit courts in Montgomery County.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—(1) For the purposes of this chapter the words "dependent child" shall mean any child, who, while under eighteen years of age, for any reason, is destitute, homeless, or is dependent on the public for support; or who is without a parent or guardian able to provide for his support, training and education; or whose custody is the subject of controversy. (2) The words "neglected child" shall mean any child, who, while under eighteen years of age is abandoned by both parents, or if one parent is dead, by the survivor, or by his guardian, or custodian; or who has no proper parental care or guardianship or whose home, by reason of neglect, cruelty, or depravity, on the part of his parent or parents, guardian or other person in whose care he may be, is an unfit or improper place for such child; or who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so

doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or for whom his parent, parents, guardian or custodian, neglect or refuse, when able to do so, or when such service is offered without charge, to provide, or allow, medical, surgical, or other care necessary for his health, or well-being; or whose parent, parents, guardian or custodian permits such child to engage in an occupation or calling contrary to the provisions of the child labor law of this state; or whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory attendance law of this state; or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with the provisions of any law, regulation or ordinance for the education, care and protection of children; or who for other cause is in need of the care and protection of the state. (3) The words "delinquent child" shall mean any child who while under eighteen years of age violates any penal law of the United States or of this state, or any regulation, ordinance or law of any city, town or municipality, or who commits any offense or act for which an adult could be prosecuted in a method partaking of the nature of criminal action or proceeding; or who is beyond the control of his parent, parents, guardian, or custodian, or who is otherwise incorrigible, or who is guilty of immoral conduct; or who is leading an idle, dissolute, lewd or immoral life; or who engages in any calling, occupation or exhibition punishable by law or is found in any place for permitting which an adult may be punished by law. (4) The word "court" and the words "circuit court" when used in this act shall, unless otherwise qualified, mean the circuit court of the county, sitting as the Domestic Relations Division for the hearing of cases or the disposition of any matter arising under the provisions of this act.

Section 2. All such children, hereinabove described dependent, neglected, or delinquent, shall be subject to the care and protection of the Domestic Relations Division of the circuit court of Montgomery County. Said division is hereby authorized to formulate and implement such rules and regulations as are needed to carry out the aforementioned duties, along with those created under Act No. 250, S. 312, Regular Session 1959 (Acts 1959, p. 810), as amended.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1975.

Time: 2:30 P.M.

Act No. 63 S. 33—Torbert

AN ACT

To make a special appropriation from the Alabama Special Educational Fund for the operation and maintenance of the junior college in Phenix City.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the Alabama Special Educational Trust Fund not otherwise appropriated the sum of $500,000 for the fiscal year ending September 30, 1975 for the operation and maintenance of the junior college at Phenix City .

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 17, 1975.

Time: 4:00 P.M.

Act No. 64 H. 92—Sparks, Crowe

AN ACT

Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, the Circuit Court Register shall be entitled to an additional expense allowance in the amount of $3,600.00 per annum, which allowance shall be paid to such officer from the general funds of the County in equal monthly installments at the end of each month.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 17, 1975 without approval by the Governor.

Act No. 65 H. 93—Sparks, Crowe

AN ACT

Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an additional clerk hire allowance for the office of Judge of Probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 16,600 nor more than 16,950 population according to the most recent Federal Decennial Census.

Section 2. The governing body of any county authorized to provide an additional clerk hire allowance of $300.00 per month for the balance of the calendar year 1975 to the Judge of Probate to be used for clerical assistance in the office of the Judge of Probate after January 1, 1976 said clerk hire allowance shall not be less than $600.00 nor more than $700.00 per month. The clerk hire allowance provided herein shall be payable out of the general fund of the county.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 17, 1975 without approval by the Governor.

Act No. 66 H. 103—Smith (M)

AN ACT

To provide each county commissioner but not the chairman of the county commission in counties having populations of not less than 17,000

nor more than 20,000 an expense allowance, such allowance to be payable out of the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census, is hereby required to provide an expense allowance of $200.00 per month for each county commissioner but not including the chairman of such county commission. Such amounts shall be paid out of the general fund of the county on warrants issued by the chairman of the county governing body. The allowance herein provided shall be in addition to any other salary, allowance or other compensation provided by law to members of any such county governing body.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on April 17, 1975 without approval by the Governor.

Act No. 67 S.J.R. 32—Little, McMillan, Torbert

SENATE JOINT RESOLUTION

RESOLUTION FOR NAMING OF THE G. W. "JEFF" BEARD ATHLETIC COURTS

WHEREAS, Coach G. W. "Jeff" Beard retired as Athletic Director of Auburn University in 1972 after 21 years of dedicated service and is currently serving as Director Emeritus, and

WHEREAS, during his distinguished and productive career, he established a record at Auburn which contributed greatly to the future of the institution as well as the Southeastern Conference and the National Collegiate Athletic Association, and

WHEREAS, under his leadership, 40,000 additional seats were added to Jordan-Hare Stadium, raising the capacity to 62,000, and other facilities such as Memorial Coliseum, Sewell Hall and the Wilbur Hutsell Track were added to the athletic plant, and

WHEREAS, Coach Beard took over the financially insolvent program and built it into a program of substance and fiscal soundness, and

WHEREAS, Coach Beard is a man of uncommon quality and held in rare high regard among sports figures, alumni and friends of the University, and

WHEREAS, he served for many years as president of the Southeastern Conference Athletic Directors and Coaches Association and has been named to both the Alabama Sports Hall of Fame and the National Association of Collegiate Directors of Athletics Hall of Fame, and

WHEREAS, in recognition of his years of service to Auburn University, the Board of Trustees has unanimously recommended that the new building adjacent to the Coliseum for handball, racketball and related sports be named the G. W. "Jeff" Beard Athletic Courts, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor Coach Beard by naming these new courts the G. W. "Jeff" Beard Athletic Courts in respect and admiration for his years of leadership to the youth of our State.

BE IT FURTHER RESOLVED That copies of this resolution be sent to his wife and his three children, Jeff, Allen and Kitty Sue.

Approved April 18, 1975.

Time: 4:00 P.M.

Act No. 68 S.J.R. 22—Baker

SENATE JOINT RESOLUTION

CREATING AN INTERIM STUDY COMMITTEE ON THE PAY SCALE AND SALARY STRUCTURE OF STATE OFFICIALS, EMPLOYEES, CABINET MEMBERS AND LEGISLATORS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That Act 47, Senate Joint Resolution 38 of the Organizational Session of 1975 be amended to read as follows:

WHEREAS, there is a great and pressing need for a comprehensive study on the pay scale and salary structure of state officials, employees, cabinet members and legislators in the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the

pay scale and salary structures of state officials, employees, cabinet members and legislators in this state. Such committee shall be composed of three members of the Senate and three members of the House of Representatives to be appointed by the presiding officer of each house. The committee shall select its own chairman and vice-chairman from among its membership and establish rules for the conduct of its business.

The committee may employ such technical and consultative services as are needed to implement the intent of this resolution and such services shall be paid from funds appropriated for the use of the Legislature not to exceed $5,000.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1975 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

This Act became law under Section 125 of the Constitution on April 22, 1975 without approval by the Governor.

Act No. 69 S. 49—Mitchell, Powell

AN ACT

To provide an additional expense allowance for members of the County Commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county commission in all counties having a population of not less than 13,000 nor more than 13,250 according to the most recent or any subsequent federal decennial census shall be paid an additional expense allowance of $150 per month out of the county general fund. The expense allowance provided for by the provisions of this Act shall be in addition to any and all other compensation, salary and expense allowance provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on April 24, 1975 without approval by the Governor.

Act No. 70 S. 77—Mitchell

AN ACT

Relating to Wilcox County; to provide an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Wilcox County shall pay from the county general fund the sum of $250.00 each as an additional clerk hire allowance for the tax assessor, tax collector, circuit clerk and probate judge of the county. The sum shall be in addition to any and all other allowances compensation and salary provided for by law.

Section 2. Provisions of this act shall become effective on the first day of the month following the date when this act becomes law.

This Act became law under Section 125 of the Constitution on April 24, 1975 without approval by the Governor.

Act No. 71 H.J.R. 34—Quarles

HOUSE JOINT RESOLUTION

TO PROVIDE EXPENSES FOR TWO MEMBERS OF THE COMMITTEE ON HEALTH TO ATTEND THE NATIONAL CONFERENCE ON HEALTH PLANNING.

WHEREAS, the National Conference on Health Planning is being held in Chapel Hill, North Carolina, April 24, 25, and 26 of this year; and

WHEREAS, the conference shall offer insight and information on the implications of the recently enacted National Health Planning and Resources Development Act of 1974; and

WHEREAS, this 1974 Act will require the creation of new health planning machinery in every state and local health service areas to replace current health planning activities; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That two members of the Committee on Health of the House shall be chosen by the Committee on Health to attend the National Conference on Health Planning, and the expense that the two members actually incur in attending this conference shall be reimbursed to them out of funds appropriated to the use

of the Legislature; however, no such member shall be reimbursed a sum in excess of $600.00.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 72 H.J.R. 70—Turnham, Sandusky, Smith (C), Carothers, Williams, Baker, Whatley, Higginbotham, Ford, Sonnier

HOUSE JOINT RESOLUTION

COMMENDING COACH JAMES RALPH "SHUG" JORDAN ON HIS ILLUSTRIOUS COACHING CAREER AND WISHING HIM A HAPPY FUTURE RETIREMENT.

WHEREAS James Ralph "Shug" Jordan has announced his future retirement as head football coach of Auburn University after twenty-four years as head coach and an enviable record of 172 victories; and

WHEREAS Coach Jordan's victory record has propelled him into the No. 4 slot in all-time victories among college coaches and also ranks him fourth in the nation in winning percentage among active coaches with twenty or more years of service; and

WHEREAS Coach Jordan is the only active coach in the Southeastern Conference who was coaching in any sport when the SEC was formed in 1933; and

WHEREAS Coach Jordan's teams have participated in thirteen post-season bowl games, including the last eight years in a row; and

WHEREAS Coach Jordan has been named national Coach of the Year by the Washington Touchdown Club, selected Coach of the Year in the SEC four times, and inducted into the Alabama Sport Hall of Fame as a Charter member;

WHEREAS Coach Jordan's 1957 Squad presented this State with its first Associated Press National Championship and in so doing Auburn became the second Southern team to have ever won a national championship; and

WHEREAS Coach Jordan was born in Selma on September 25, 1910, and is married to the former Evelyn Walker of Columbia, S.C., and they have two daughters and a son—Susan, Darby, and Ralph, Jr.; and

WHEREAS Coach Jordan is a friend of students who has never hesitated to aid student and university activities; and

WHEREAS Coach Jordan's leadership, his high sense of fair play, and his dogged determination to overcome the obstacles of life have set an example for others both on and off the field; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Coach James Ralph "Shug" Jordan on his illustrious coaching career and wishes him a happy future retirement, and a successful 1975 football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent Coach and Mrs. Jordan.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 73 S. 20—Waldrop, Mitchell, Foshee, Powell

AN ACT

To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars ($179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid

such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181) which authorized the issuance and sale of $179,921,000 in bonds for educational purposes and providing for the use and distribution of the bond proceeds is hereby amended as follows:

"Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purpose specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely for such purposes and shall be allocated and expended by the Authority in the amount set out as follows:

a. fifty two million four hundred fifty six thousand dollars ($52,456,000) to colleges and universities to be distributed as follows:

(1) $7,500,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) $7,500,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) $3,333,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) $7,500,000.00 of such proceeds shall be distributed to Auburn University;

(5) $2,500,000.00 of such proceeds shall be distributed to Auburn University at Montgomery;

(6) $3,667,000.00 of such proceeds shall be distributed to the University of South Alabama;

(7) $2,790,000.00 of such proceeds shall be distributed to the University of Montevallo;

(8) $3,333,000.00 of such proceeds shall be distributed to Florence State University;

(9) $3,333,000.00 of such proceeds shall be distributed to Jacksonville State University;

(10) $2,333,000.00 of such proceeds shall be distributed to Livingston State University;

(11) $3,333,000.00 of such proceeds shall be distributed to Troy State University;

(12) $2,667,000.00 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) $2,667,000.00 of such proceeds shall be distributed to Alabama State University.

b. twenty-two million five hundred thousand dollars ($22,500,000) to Junior Colleges and Vocational Technical Institutes to be distributed as follows:

1.	Alexander City State Junior College	$ 557,872
2.	S. D. Bishop State Junior College	550,619
3.	Brewer State Junior College	310,833
4.	John C. Calhoun State Tech. Jr. Col.	1,000,000
5.	Jefferson Davis State Jr. Col.	310,833
6.	Enterprise State State Junior Col.	588,206
7.	Faulkner State Jr. Col.	615,805
8.	Gadsden State Jr. Col.	1,070,531
9.	Patrick Henry State Jr. Col.	310,833
10.	Jefferson State Jr. Col.	2,500,000
11.	T. A. Lawson State Jr. Col.	865,823
12.	Northeast Alabama State Jr. Col.	331,690
13.	Northwest Alabama State Jr. Col.	450,000
14.	Snead State Junior College	554,575
15.	Southern Union State Jr. Col.	530,176
16.	George C. Wallace State Tech. Jr. Col., Dothan.	673,271
17.	George C. Wallace State Jr. Col., Selma	424,599
18.	Lurleen B. Wallace State Jr. Col.	475,000
19.	Phenix City State Junior College	900,000
20.	Alabama Institute of Aviation Tech.	258,190
21.	Alabama Technical College, Gadsden	403,232
22.	Ayers State Technical College	298,594
23.	Bessemer State Technical College	432,348
24.	Calhoun State Tech. Trade School	360,755
25.	Carver State Tech. Trade School	174,272
26.	Drake State Technical Col.	191,885
27.	Gadsden State Technical Inst.	207,425
28.	Hobson State Technical Inst.	259,226
29.	MacArthur State Tech. Col.	422,398
30.	Muscle Shoals Tech. Inst.	345,733
31.	Northwest Alabama State Technical Col.	317,761
32.	Nunnelley State Tech. Inst.	317,761
33.	Opelika State Technical Col.	404,786

34.	Patterson State Tech. Col.	345,215
35.	Reid State Technical Col.	344,697
36.	Shelton State Technical Col.	299,112
37.	Sparks State Technical Inst.	107,115
38.	Southwest State Tech. Col.	392,873
39.	Trenholm State Trade School	297,559
40.	Tuscaloosa State Trade School	135,423
41.	Walker County State Trade School	441,048
42.	Wallace State Technical Trade School, Dothan.	563,935
43.	Wallace State Technical Institute, Cullman	615,616
44.	Wallace State Technical Institute, Selma	239,542
45.	Wenonah State Technical School	201,210
46.	Atmore Trades School	216,232
47.	J. F. Ingram State Trade School	211,052
48.	Regional Technical Institute	257,672
*	Talladega Voc. School for Deaf	416,667

* Not a portion of the Junior College and Trade School Funds.

(c) one hundred million dollars ($100,000,000) for elementary-secondary systems to be distributed as follows:

(1) One hundred thousand dollars ($100,000) shall be paid to each city and county board of education and to the Alabama Institute for Deaf and Blind at Talladega, Girls Industrial School at Chalkville, Boys Industrial School at Birmingham, and the Industrial School at Mt. Meigs.

(2) The residue from the one hundred million dollars ($100,000,000) after providing for costs involved in issuing said bonds and (1) above shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1973-74 to be used for the construction of school building facilities, including buildings and equipments, for reconstruction, alteration, equipment and improvement of existing school buildings in school building centers approved by the State Department of Education as permanent school centers.

(3) Of the amount allocated in subsection (1) and (2) above to Covington County, one hundred thousand dollars ($100,000) shall be expended for Straughn School and the remainder for the Red Level schools.

Of the amount allocated in subsection (1) and (2) above to Mobile County, one million dollars ($1,000,000) shall be expended for a school at Theodore, Alabama and the remainder shall be allocated to the Board of Education of Mobile County.

Of the amount allocated in subsection (1) and (2) above to Franklin County, two hundred and fifty thousand dollars

($250,000) shall be expended for a gymnasium at Red Bay High School, Red Bay, Alabama and the remainder shall be allocated to the Board of Education of Franklin County.

Of the amount allocated in subsection (1) and (2) above to Jefferson County, one million dollars ($1,000,000) shall be expended for McAdory High School, McCalla, Alabama and the remainder shall be allocated to the Board of Education of Jefferson County.

Of the amount allocated in subsection (1) and (2) above to Chilton County Board of Education four hundred and fifty thousand dollars ($450,000) shall be expended for a gymnasium at Jemison High School and two hundred and fifty thousand dollars shall be expended for an auditorium at Thorsby High School and the remainder shall be used at the discretion of the Board of Education of Chilton County.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsection (a), (b), and (c) of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

() Alabama Educational Television Commission. $600,000.00

For the construction and equipping of an educational television studio at Mobile, Alabama. Such funds shall also be used in constructing and equipping such miscrowave transmission and receiving facilities as may be necessary to connect said studio into the existing Alabama Public Television Network and shall further be used to replace or reconstruct and equip the present television transmitting facilities serving Mobile and Baldwin Counties and other parts of southwest Alabama.

(d) *One million seven hundred thousand dollars ($1,700,000)* to be distributed as follows for restoration or replacement of public schools which have been destroyed by fire:

(1)	Midfield City (Rutledge High School)	$300,000
(2)	Jefferson County (Hewitt Elementary)	300,000
(3)	Walker County (Sumiton)	450,000
(4)	Houston County (Wicksburg)	150,000
(5)	Lamar County (Sulligent)	300,000
(6)	Bibb County (Randolph Elementary)	100,000
(7)	Henry County (Middle School)	100,000

(e) Two million one hundred fifteen thousand dollars ($2,115,000) to be distributed to the following institutions:

(1)	Alabama Institute for Deaf and Blind	450,000
(2)	Livingston State University	1,000,000
(3)	Snead Junior College	265,000
(4)	Alabama State University for Library	400,000

(f) Four Hundred Fifty Thousand Dollars ($450,000) to be distributed to the Board of Education of the City of Gadsden to be used (i) to pay the principal of any obligations incurred by the said board in the replacement or restoration and equipment of the Gadsden High School which has been destroyed by fire, and (ii) to the extent not necessary for that purpose, to be expended for capital improvements for public educational purposes as a part of the City of Gadsden Public School System.

(g) One Hundred Thousand Dollars ($100,000) to be distributed to the Board of Education of Crenshaw County to be used (i) to pay principal of any obligations incurred by the said board in the replacement or restoration of or equipment for Highland Home which has been destroyed by fire, and (ii) to the extent not necessary for that purpose, to be extended for capital improvements for public educational purposes as a part of the Crenshaw County Public School System.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 74 S. 63—Adams

AN ACT

To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to re-designate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Deputy District Attorney No. 1 and Deputy District Attorney No. 2 of Houston County, Alabama, shall be abolished.

Section 2. The offices of Assistant District Attorney No. 1 and Assistant District Attorney No. 2 of Houston County, Alabama, are hereby created in lieu of the present offices of Deputy District Attorney No. 1 and Deputy District Attorney No. 2. The two Assistant District Attorneys of Houston County, Alabama, No. 1 and No. 2, shall be appointed by and shall serve at the pleasure of the District Attorney of the 20th Judicial Circuit. Each Assistant District Attorney must be a resident of Houston County, Alabama. Each Assistant District Attorney must be qualified by the Courts of this State for the practice of law, but he shall not be subject to the provisions of Subsection 12 of Section 229, Title 13, Code of Alabama 1940.

Each Assistant District Attorney shall perform such duties and exercise such authority as may be prescribed by law pertaining to duties and authority of Deputy District Attorneys, and by the District Attorney of the 20th Judicial Circuit.

Section 3. The salary of Assistant District Attorney No. 1 shall be fixed by the District Attorney of the 20th Judicial Circuit at a sum not to exceed $9600.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General Fund of said County. The salary of Assistant District Attorney No. 2 shall be fixed by the District Attorney of the 20th Judicial Circuit at a sum not to exceed $7200.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General Fund of said County.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 75 S. 101—Little

AN ACT

Relating to all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial

census; providing for a secretary for the tax assessor and tax collector; giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 17,000 nor more than 20,000 according to the most recent federal decennial census, the tax assessor and tax collector shall each be entitled to hire a secretary. The salaries of said secretaries shall be set by the county governing body and shall be payable in equal monthly installments from any funds available in the county treasury.

Section 2. The operation of this act shall be retroactive to April 1, 1975, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 76 S.J.R. 25—Torbert

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. CECIL DRAKE MOREMAN OF OPELIKA

WHEREAS once in a great while we are privileged to be associated with one of those very special human beings who use their seemingly boundless energy and enthusiasm to help those who are helpless, and to give hope to the hopeless, and by so doing uplift us all; and

WHEREAS upon the passing of one of these rare individuals it is fitting that we should pause and take note of the legacy of good works they have left behind, remembering that a tree shall be known by its fruit; and

WHEREAS during the 72 years of her life, Mrs. Cecil Drake Moreman put into practice her belief that every citizen should show an active interest in their community and its well-being; and

WHEREAS this practice included tireless effort for the benefit of neglected and dependent children, through the Opelika Pilot Club as president in 1964 and Governor of District 2 in 1970, and the Council for Neglected and Dependent Children of Lee County; and

WHEREAS through these organizations, foster homes for

neglected and dependent youth were established and the Lee County Youth Development Center was initiated; and

WHEREAS Mrs. Moreman helped organize the American Field Service for Opelika which has sponsored foreign student exchange to promote better international understanding; and

WHEREAS Mrs. Moreman taught adult Sunday school classes for more than a quarter of a century and served on the Governor's Committee for Employment of the Handicapped at the request of Governor Wallace; and

WHEREAS Mrs. Moreman gave generously of her time as an active volunteer at the Lee County Nursing Home where she spent every Wednesday helping the aged; and

WHEREAS Mrs. Moreman still found time to serve in such organizations as the Twilight Garden Club, the Opelika Arts Association, and the Methodist Children's Village in Selma, for which she raised funds each year by a White Christmas offering; and

WHEREAS this legislature wishes to pay tribute to this great lady who shall be missed sorely; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Cecil Drake Moreman and wish to express our deep and sincere sympathy to her children; Mrs. John Robert Crim Jr., J. Drake Moreman, and Richard T. Moreman, to whom copies of this resolution shall be sent.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 77 S.J.R. 31—Fine

SENATE JOINT RESOLUTION

COMMENDING FAYETTE'S "MAN OF THE YEAR", GEORGE BOLLING.

WHEREAS, The Interclub Council of Fayette, Alabama, selected George Bolling as Fayette's "Man of the Year" for 1974; and

WHEREAS, George Bolling, a native of Hamilton, received his degree in pharmacy at Auburn University and has operated a pharmacy in Fayette for 14 years; and

WHEREAS, He is an active and devoted member of the

Church of Christ, serving as elder and Sunday School teacher; and

WHEREAS, His life is dedicated to serving his community, his church and his many friends in all stations of life; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we heartily concur in the selection of George Bolling as Fayette's "Man of the Year", a richly deserved honor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Bolling.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 78 S.J.R. 40—McDonald (A)

SENATE JOINT RESOLUTION

CREATING AN ATHENS COLLEGE LEGISLATIVE ON-SITE EVALUATION COMMITTEE TO STUDY THE PROPOSAL THAT ATHENS COLLEGE BE ACCEPTED BY THE STATE BOARD OF EDUCATION.

WHEREAS Athens College has a heritage of 153 years of uninterrupted educational service to the State of Alabama, having been chartered in 1822 just three years after Alabama became a state; and

WHEREAS Athens College exerts a vital influence upon the economic and cultural life of its Tennessee Valley community of North Alabama; and

WHEREAS Athens College has a strong program of education, a student body of 800, and a dedicated and capable staff and faculty; and

WHEREAS its financial need is such that it must find additional sources of support in order to continue to serve as an institution of higher education; and

WHEREAS the North Alabama Conference of the United Methodist Church has taken action to effect the conveyance of the campus of Athens College to the State of Alabama to be used as a state institution of higher education; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCUR-

RING, That a committee of six members of the legislature be appointed, three appointed by the President of the Senate, and three appointed by the Speaker of the House, for the purpose of an on-site evaluation and study of the proposal that the State Board of Education accept as a gift Athens College for possible use, which might include but would not be limited to its use as:

1. A senior college division known as an upper division;

2. A four year college;

3. Part of a merger of Athens College and Calhoun Tech under one administration;

4. A vocational training institute.

The committee may recommend to the legislature one or more of the above uses, other uses not listed, or may recommend that the State Board of Education not accept Athens College as a state institution.

The chairman of the committee shall hold a public hearing whereby the Presidents of each 4-year Institution and the Executive Director of the Alabama Commission on Higher Education or any other interested person shall be allotted reasonable time to voice any opinion on the committee's inquiry, should they so desire.

The Athens College on-site evaluation committee shall elect a chairman from among its members, and shall make its report to the legislature on or before the first legislative day of the 1975 Regular Session.

Each committee member shall be entitled to receive his regular legislative per diem and mileage expenses for one inspection of the Athens College Campus.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 79 S.J.R. 41—Little, Torbert, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson, Lieutenant Governor Beasley

SENATE JOINT RESOLUTION

COMMENDING COACH JAMES RALPH "SHUG" JORDAN ON HIS ILLUSTRIOUS COACHING CAREER AND WISHING HIM A HAPPY FUTURE RETIREMENT.

WHEREAS James Ralph "Shug" Jordan has announced his future retirement as head football coach of Auburn University after twenty-four years as head coach and an enviable record of 172 victories; and

WHEREAS Coach Jordan's victory record has propelled him into the No. 4 slot in all-time victories among college coaches and also ranks him fourth in the nation in winning percentage among active coaches with twenty or more years of service; and

WHEREAS Coach Jordan is the only active coach in the Southeastern Conference who was coaching in any sport when the SEC was formed in 1933; and

WHEREAS Coach Jordan's teams have participated in thirteen post-season bowl games, including the last eight years in a row; and

WHEREAS Coach Jordan has been named national Coach of the Year by the Washington Touchdown Club, selected Coach of the Year in the SEC four times, and inducted into the Alabama Sport Hall of Fame as a Charter member;

WHEREAS Coach Jordan's 1957 Squad presented this State with its first Associated Press National Championship and in so doing Auburn became the second Southern team to have ever won a national championship; and

WHEREAS Coach Jordan was born in Selma on September 25, 1910, and is married to the former Evelyn Walker of Columbia, S. C., and they have two daughters and a son — Susan, Darby, and Ralph, Jr.; and

WHEREAS Coach Jordan is a friend of students who has never hesitated to aid student and university activities; and

WHEREAS Coach Jordan's leadership, his high sense of fair play, and his dogged determination to overcome the obstacles of life have set an example for others on and off the field; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Coach James Ralph "Shug" Jordan on his illustrious coaching career and wishes him a happy future retirement, and a successful 1975 football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent Coach and Mrs. Jordan.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 80 S.J.R. 42—Mims

SENATE JOINT RESOLUTION

COMMENDING DR. JOHN G. MILLIGAN FOR HIS TREMENDOUS CONTRIBUTIONS TO THE FIELD OF VETERINARY MEDICINE AND CONGRATULATING HIM ON HIS RETIREMENT.

WHEREAS Dr. John G. Milligan has served the State of Alabama for thirty years as a veterinarian, 24 of those years as the State Veterinarian; and

WHEREAS Dr. Milligan has been an outstanding leader in the fight to control animal disease in the southeast, and has been instrumental in the eradication in this state of vesicular exanthema, screw-worm, scrapie in sheep, hog cholera, and whose efforts have brought closer the eradication of tuberculosis and brucellosis in cattle; and

WHEREAS Dr. Milligan's close association and cooperation with the United States Department of Agriculture and his service as President of the U. S. Animal Health Association have benefitted agriculture in Alabama by keeping the farmers of the state abreast of the latest methods of animal disease control; and

WHERAS this legislature wishes to pay tribute to this man whose talent, ability, and dedication will be sorely missed in the field of veterinary medicine; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Dr. John G. Milligan for his valuable contributions to animal disease control and veterinary medicine, and wish him a happy and fulfilling retirement.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 81 S.J.R. 43—Bank

SENATE JOINT RESOLUTION

EXTENDING BIRTHDAY GREETINGS TO MR. "VESSIE" BRIDGES OF CARROLLTON UPON THE CELEBRATION OF HIS 100th BIRTHDAY ON APRIL 9, 1975.

WHEREAS, Mr. "Vessie" Bridges of Carrollton will celebrate his 100th birthday at a town birthday party on April 9th; and

WHEREAS, this remarkable "young" man continues to zestfully participate in such activities as playing his harmonica, square-dancing and walking to town daily to whip an opponent at dominoes; and

WHEREAS, Mr. Bridges for the past 65 years has served as grand jury bailiff in Pickens County, a position which he still holds; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Mr. "Vessie" Bridges the happiest of birthdays, and we extend to him all best wishes for many more birthdays.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Bridges.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 82 H. 27—Sonnier, White, Hill, Sandusky, Malone, Callahan

AN ACT

Relating to insurance so as to require inclusion in all individual and group health insurance policies providing coverage on an expense incurred basis and in all individual and group service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber of coverage of injury or sickness of newly born children; to define terms; to provide for all matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. All individual and group health insurance policies providing coverage on an expense incurred basis and individual and group service or indemnity type contracts issued by a nonprofit service corporation which provide coverage for a family member of the insured or subscriber shall, as to such family members' coverage, also provide that the health insurance benefits applicable for children shall be payable with

respect to a newly born child of the insured or subscriber from the moment of birth.

Section 2. The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, but need not include benefits for routine well-baby care.

Section 3. The requirements of this section shall apply to all insurance policies and subscriber contracts renewed, delivered or issued for delivery in this state sixty (60) days after the effective date of this Act.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 83 H. 34—Andrews, McNair, Biddle, Harrison, Moore (O), White, Trammell, Gafford, Waggoner, Hall, Howard, Hopping, Leonard, Armstrong, Tucker, Hilliard, Jolly, Porter

AN ACT

TO FURTHER AMEND ACT NO. 470 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1955, APPROVED SEPTEMBER 9, 1955, WHICH ESTABLISHED "THE LIMITED POLICEMEN'S RETIREMENT AND RELIEF SYSTEM OF BIRMINGHAM, ALABAMA", AS HERETOFORE AMENDED:

Be It Enacted by the Legislature of Alabama:

Section 1: Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, as heretofore amended, be and the same hereby is further amended by adding thereto the following:

Subsection k. After the effective date of this subsection (k) any member of the system whose total benefits are less than

Three Hundred ($300.00) Dollars per month shall be entitled to a further benefit of such amount not in excess of One Hundred Fifty ($150.00) Dollars per month as when added to the benefits otherwise provided for herein shall bring his total benefits under this act to Three Hundred ($300.00) Dollars per month.

Subsection 1. After the effective date of this subsection (1) the widow of any deceased member of the system whose total benefits are less than One Hundred Forty ($140.00) Dollars per month shall be entitled to a further benefit not in excess of One Hundred ($100.00) Dollars per month as when added to the benefits otherwise provided for herein shall bring her total benefits under this act to One Hundred Forty ($140.00) Dollars per month.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3: This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; but the supplemental allowances provided for herein shall not be payable until the month succeeding the month in which this act becomes effective.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 84 H. 47—Waggoner

AN ACT

TO PROVIDE FOR, AND REGULATE, THE OFFICE OF REGISTER OF THE CIRCUIT COURT IN EVERY COUNTY OF THE STATE HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS; TO PROVIDE THAT SUCH OFFICE SHALL BE A COUNTY OFFICE SUBJECT TO ANY CIVIL SERVICE LAW APPLYING TO EMPLOYEES OF THE COUNTY; TO PROVIDE HOW THE REGISTER SHALL BE APPOINTED AND REMOVED; AND TO PROVIDE HOW THE COMPENSATION OF THE REGISTER SHALL BE ESTABLISHED.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every County of the State having a population of 600,000 or more according to the last or any subsequent federal census, and to no other County.

Section 2. As herein used these words and terms have the meanings here accorded them: "the County" means a county subject to this Act; and "the Circuit Court" means the Circuit Court of that judicial circuit in which the county is located.

Section 3. Subject to Section 4, below, the Register shall be appointed and removed in the manner and by the authority as Section 210, Title 13, Code of Alabama of 1940, as amended by Act No. 205 of the Regular Session of the Legislature of 1971 (Ala. Acts, 1971, page 501) provides a Register shall be appointed and removed. The only provisions of said Section 210 hereby adopted are the provisions thereof pertaining to the method of appointing and removing the Register.

Section 4. The Register shall be a County officer subject to the civil service law applying to employees of the County. Without limiting the generalities of the next foregoing sentence, it is here provided that the following provisions of the said civil service law shall apply to the Register: the provisions governing the appointment and removal of County employees and the provisions governing the establishment of salaries for County employees.

In the application of the provisions of the civil service law regarding tenure, longevity, compensation and any other provisions of the civil service law under which the period, or length of an employee's service is material, any service as Register performed by a person who is serving as Register of the County when this Act becomes applicable to the County shall be considered as if such person had performed service as Register while the office of Register was subject to the civil service law of the County.

The Register shall perform all duties which the laws in effect at the time of the adoption of this Act, or laws hereafter adopted, prescribe that he shall perform, and any other duties assigned to him by the Circuit Court in which he serves.

Section 5. The Register shall be a member of the Pension System established for County employees.

Section 6. All laws, and parts of laws, whether general, local or special, in conflict with any provision of this Act are, to the extent of such conflict, repealed.

Section 7. Should any part of this Act be declared invalid, such declaration shall not affect the validity of the remaining parts of this Act.

Section 8. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 85 H. 94—Hall, Gafford, Waggoner, Leonard, Jolly, Hilliard, Hopping, Porter, Howard, Trammell, Boles, Andrews, Falkenburg, McNair, Biddle, Armstrong

AN ACT

To amend Section 3.04 of Act No. 452, H. 974, 1955 Regular Session (Acts of 1955, p. 1004), as amended, which provides for a form of municipal government known as mayor-council form of government for cities having a population in excess of 300,000 inhabitants; so as to reduce the required age for city councilmen from 25 to 21 years of age.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3.04 of Act No. 452, H. 974, 1955 Regular Session (Acts of 1955, p. 1004), as amended, which provides a form of municipal government to be known as the mayor-council form in cities having a population of 300,000 or more, is hereby amended further to read as follows:

"Section 3.04. Eligibility.—Councilmen shall be qualified electors of the city, at least twenty-one years of age at the time of their election, and shall hold no other public office except that of notary public or member of the National Guard or naval or military reserve. If a councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 86 H. 143—Biddle, Falkenburg, Waggoner, Jolly, Armstrong, Gafford, Moore (O), Trammell

AN ACT

To provide further for the division of duties among the county commissioners in all counties having populations greater than 600,000 according to the most recent federal decennial census and having a county commission composed of three members whose duties are divided among three departments so as to provide for the supervision and operation of farms by any such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations greater than 600,000 according to the most recent federal decennial census

and having a county commission composed of three members whose duties are divided among three departments, should any such county elect to establish a farm, the commissioner designated associate commissioner no. 1 who is in charge of public works shall supervise and control the operation of the farm subject to the authority of the governing body as a whole. In addition the controller of the county governing body shall provide a separate and detailed bookkeeping and accounting system of the farming operation including a general journal of all transactions so as to provide pertinent information as to profitability of said farming operation. The controller shall issue quarterly reports on the operation of said farm and all financial information and reports will be available to the general public upon request to the controller.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 87 H.J.R. 68—Porter, Jackson (R), McNair, Hilliard, Harrison, Howard

HOUSE JOINT RESOLUTION

COMMENDING THE USHERS CLUB OF RAMSEY HIGH SCHOOL FOR THEIR OUTSTANDING SERVICE TO THE COMMUNITY.

WHEREAS the members of the Ushers Club of Ramsey High School serve as guides and ushers in numerous cultural activities at the Birmingham Civic Center and City auditorium; and

WHEREAS this legislature would like to pay tribute to these outstanding young Alabamians who give generously of their time and energy in such service to their community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and thank the Ushers Club for their service to the Birmingham area and to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the members of the Ushers Club and to their sponsors, Mrs. Connie Pegues and Mr. Reynard Foster.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 88 H.J.R. 71—Clark, Robertson, Lee

HOUSE JOINT RESOLUTION

COMMENDING ALICEVILLE'S "OUTSTANDING CITIZEN", DAN DRESCHER

WHEREAS, The Chamber of Commerce of Aliceville, Alabama, selected Dan Drescher as Aliceville's "Outstanding Citizen" for 1974-75; and

WHEREAS, Dan Drescher, a native of Arkansas, received his degree in Marketing and Advertising at the University of Arkansas and has been President of Advertising and Vice-President of Marketing for PRO-LIX Inc. in Aliceville for 9 years; and

WHEREAS, He is an active and devoted member of the First Baptist Church, serving in any capacity asked; and

WHEREAS, His life is dedicated to serving his community, his church and his many friends in all stations of life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily concur in the selection of Dan Drescher as Aliceville's "Outstanding Citizen", a richly deserved honor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Drescher.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 89 H.J.R. 80—Hill, Kinsey, Folmar

HOUSE JOINT RESOLUTION

WELCOMING CARL BUCHANAN and LARRY HUMPHREY FROM THE ALABAMA INDUSTRIAL TRAINING SCHOOL AT MT. MEIGS WHO WILL SERVE THIS WEEK AS PAGES IN THE LEGISLATURE.

WHEREAS, Carl Buchanan and Larry Humphrey have distinguished themselves by having maintained outstanding aca-

demic and vocational training records at the Alabama Industrial Training School at Mt. Meigs; and

WHEREAS, it has long been recognized as a coveted honor for a young man to be selected to serve as a page within the historic halls of this legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate these young men for their oustanding academic and vocational training records and hereby welcome their services as pages during this week's sessions of the legislature.

RESOLVED FURTHER, That a copy of this resolution be presented to Carl Buchanan and Larry Humphrey and a copy be sent to the Alabama Industrial School at Mt. Meigs.

Approved April 24, 1975.

Time: 2:30 P.M.

Act No. 90 S. 57—Perloff, Mims, Adams, Wilson, Noonan, Jones, Perry, Owen, Pearson, Vacca, Powell, Gilmore, Littleton, Flippo, Torbert, McDonald (S), Mitchell, Foshee, Baker, King, Ellis, Bank, Roberts, Shelby, McDonald (A), McMillan, Weaver, Fine

AN ACT

To propose an amendment to the Constitution of Alabama, amending Amendment XCIII, adopted November 19, 1952, so as to authorize the Legislature to provide for the manufacture, distribution and use on motor vehicles of personalized prestige license plates or tags which may be procured by payment of a fee or charge in addition to the regular fee, excise or license tax for the registration, operation and use of the motor vehicle upon the public highways, and to provide for the use of the moneys derived from such fees or charges.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Amendment

Amendment XCIII to the Constitution of Alabama, as submitted November 4, 1952, and proclaimed ratified November 19, 1952, shall be amended so that said Amendment XCIII, shall read as follows:

"No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than cost of administering such laws, statutory refunds and adjustments allowed therein, cost of construction, reconstruction, maintenance and repair of public highways and bridges, costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this amendment shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein; and the legislature may provide for the manufacture, distribution and use on private passenger or pleasure motor vehicles of personalized license plates or tags, bearing some special letters, figures, mark or badge of distinction or personal prestige in lieu of the regular license plates or tags, and if it does so, the legislature must also require that such tags may be procured only by payment of a fee or charge, in addition to the regular fee, excise or license tax for the registration, operation or use of such motor vehicles upon the highways. The moneys derived from the additional charge made for such special or distinctive license plates or tags, in excess of the cost of the manufacture and distribution of such plates or tags, may be used in such manner as the legislature prescribes.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the 1975 regular session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate April 1, 1975.

Passed the House as amended April 24, 1975.

Act No. 91 S. 70—Shelby

AN ACT

To provide for a secretarial assistant to each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to fix his or her term of office and to prescribe the pay for said secretarial assistant, and to provide for the payment of the salary of the said secretarial assistant out of the general fund of the county composing said circuits.

Be It Enacted by the Legislature of Alabama:

Section 1. In all judicial circuits of Alabama composed of only one county which has a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, each circuit judge shall be authorized to appoint a secretarial assistant who shall serve at his pleasure.

Section 2. Said secretarial assistant shall receive a salary of not more than $6,000 per annum the exact amount thereof to be fixed by the judge appointing said secretarial assistant until said secretarial assistant shall have served in such capacity for twelve (12) months. After said secretarial assistant has served for twelve months he or she shall receive a salary of not more than $7,200 per annum, the exact amount thereof to be fixed by the judge appointing said secretarial assistant.

Section 3. The salary of said secretarial assistant shall be payable in equal installments out of the general fund of the county composing such judicial circuit as other salaries are paid.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 92 H.J.R. 83—Riddick

HOUSE JOINT RESOLUTION

COMMENDING ROBERT LIPSCOMB UPON HIS BECOMING PRESIDENT OF THE ALABAMA EDUCATION ASSOCIATION.

WHEREAS, Robert Lipscomb, a mathematics teacher at Butler High School in Huntsville, assumed the office of President of the Alabama Education Association on March 14, 1975; and,

WHEREAS, Mr. Lipscomb has received many commendations for his work in education and the community in general; and,

WHEREAS, Mr. Lipscomb has served as president of his local association, as a member of the Board of Directors of the Alabama Education Association and as a member of the National Education Association's Council on Instruction and Professional Development; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that congratulations be extended to Mr. Lipscomb as he provides leadership for the Alabama Education Association in 1975-76.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Mr. Lipscomb, Dr. V. M. Burkett, Superintendent of Huntsville City Schools, the Huntsville Education Association, and the Alabama Education Association.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 93 H.J.R. 84—Morris

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF RICKEY BARNETT

WHEREAS it has been learned that Mr. Rickey Barnett is currently hospitalized at the University Hospital in Birmingham; and

WHEREAS he was severely injured in an automobile accident on February 22; and

WHEREAS Rickey is a junior at Benjamin Russell High School in Alexander City; and

WHEREAS Rickey will have to remain in the hospital for approximately 18 months to receive treatment for his injuries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the illness of Rickey Barnett and extend to him our very best wish for his early and complete recovery.

RESOLVED FURTHER, That copies of this resolution be sent to the Alexander City Outlook and to Rickey at the University Hospital.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 94 H.J.R. 86—Dial

HOUSE JOINT RESOLUTION

COMMENDING ROBERT E. BARNETT OF CLAY COUNTY FOR HIS CONTRIBUTIONS TO THE COMMUNITY.

WHEREAS Robert E. Barnett has been a cattle farmer in Clay County for fifteen years and during that time has served as director, first vice-president, second vice-president, president, and chairman of the board of directors of the Clay County Cattlemen's Association, and during his term as president, increased the membership of the association from 190 to 270 members; and

WHEREAS Robert Barnett is a devoted community builder whose efforts to improve education in Clay County have earned the respect and admiration of his neighbors; and

WHEREAS despite the great amount of time devoted to community affairs, Robert Barnett still finds time for family and spiritual life, being the proud and devoted father of two children, and a steward in the Shady Grove Methodist Church; and

WHEREAS this body would like to recognize Robert Barnett for his contributions to the community and state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Robert E. Barnett of Clay County for his community spirit and civic contributions.

RESOLVED FURTHER, That copies of this resolution be sent to Robert E. Barnett.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 95 H.J.R. 88—McMillan, Kinsey

HOUSE JOINT RESOLUTION

COMMENDING THE HONORABLE SAM C. PRUETTE UPON HIS RETIREMENT AS MAYOR OF BAY MINETTE.

WHEREAS, Sam C. Pruette is retiring as Mayor of Bay Minette after 18½ years of distinguished service to that office; and

WHEREAS, Mr. Pruette was born in Grove Hill but has resided in Bay Minette since 1922; and

WHEREAS, during his tenure as Mayor, Mr. Pruette always maintained a cooperative spirit at City Hall which led Bay Minette through a period of progress unexcelled by a town its size in the entire state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does heartily commend Sam C. Pruette for his outstanding service as Mayor of Bay Minette and wishes for him a most successful and happy retirement from that office.

RESOLVED FURTHER, That a copy of this resolution be sent to the Honorable Sam C. Pruette and the City Hall at Bay Minette.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 96 H.J.R. 89—Edwards, Plaster

HOUSE JOINT RESOLUTION

CONGRATULATING THE FORT DEPOSIT COMMUNITY ARTS AND ACTIVITIES COMMITTEE ON THE TREMENDOUS SUCCESS OF THEIR FOURTH ANNUAL "CALICO FORT" ARTS AND CRAFTS SHOW.

WHEREAS Fort Deposit's recorded history began in 1813 when General F. Claiborne, with orders from Andrew Jackson, established a supply fort there, the remains of which can still be seen; and

WHEREAS the good people of the town of Fort Deposit have kept alive their proud heritage of patriotism and civic pride throughout the years; and

WHEREAS the good ladies of the Fort Deposit Community Arts and Activities Committee, wishing to continue this great tradition and heritage did conceive the idea of a native American Arts and Crafts show to be held once a year and to be known as the "Calico Fort"; and

WHEREAS this idea, together with the hard work of these good ladies and the citizens of Fort Deposit did so catch on as to

blossom into the fourth annual "Calico Fort" on April 12-13, 1975, as to attract thousands upon thousands of people to the town of Fort Deposit; and

WHEREAS it is attracting arts and crafts customers and tradesmen from all over the nation and particularly the Southeastern United States in an unbelievable number; and

WHEREAS the "Calico Fort" profits are used for civic purposes by the Fort Deposit Community Arts and Activities Committee; and

WHEREAS the legislature wishes to commend the people responsible for "Calico Fort" on their great success and civic endeavor; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fort Deposit Community Arts and Activities Committee be congratulated for their splendid work in establishing "Calico Fort" and its wonderful arts and crafts show and they do wish them every success in their future endeavors.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Lowndes Signal Newspaper in Fort Deposit and to the Fort Deposit Community Arts and Activities Committee.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 97 H.J.R. 90—Holley

HOUSE JOINT RESOLUTION

COMMENDING THE TAU MU CHAPTER OF PHI THETA KAPPA FROM ENTERPRISE STATE JUNIOR COLLEGE.

WHEREAS Phi Theta Kappa is a national honor society for junior college students; and

WHEREAS the Tau Mu Chapter of Phi Theta Kappa exemplifies outstanding leadership, scholarship and service to the Enterprise State Junor College campus and community; and

WHEREAS at the National Convention of Phi Theta Kappa April 3-5, 1975 in Philadelphia, the Tau Mu Chapter won two national awards: the Communications Award for best reporting of chapter news and the Milestone Award for the most improved chapter in the nation; and

WHEREAS only one other chapter in the country received two national awards; and

WHEREAS the Tau Mu Chapter was selected to chair the Publications Committee of the National Convention; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Tau Mu Chapter for bringing distinction to their area and to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Forrester, Dr. Jack P. Oden, Sponsor, and to each delegate; John Diggs, Skip Twitchell, Clara Ellenburg, Sherrill Savage, Jan Wooten and Joyce Watson.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 98 H.J.R. 98—Hill

HOUSE JOINT RESOLUTION

WELCOMING DARYL SCRUGGS AND CLIFTON TOMLEY FROM THE ALABAMA BOYS INDUSTRIAL SCHOOL IN BIRMINGHAM WHO WILL SERVE THIS WEEK AS PAGES IN THE LEGISLATURE.

WHEREAS, Darryl Scruggs and Clifton Tomley have distinguished themselves by having maintained outstanding academic and vocational training records at the Alabama Boys Industrial School in Birmingham; and

WHEREAS, it has long been recognized as a coveted honor for a young man to be selected to serve as a page within the historic halls of this legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate these young men for their outstanding academic and vocational training records and hereby welcome their services as pages during this week's sessions of the legislature.

RESOLVED FURTHER, That a copy of this resolution be presented to Darryl Scruggs and Clifton Tomley and a copy be sent to the Alabama Boys Industrial School in Birmingham.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 99 H.J.R. 101—Killian, Andrews, Trammell, Gregg

HOUSE JOINT RESOLUTION

THANKING THE FREEDOM SINGERS OF SNEAD STATE JUNIOR COLLEGE FOR PERFORMING FOR THE ALABAMA LEGISLATURE.

WHEREAS the Freedom Singers of Snead State Junior College performed for the Alabama Legislature during the 3rd special legislative session 1975; and

WHEREAS the Freedom Singers presented an outstanding patriotic and religious program to the delight of all attending; and

WHEREAS the Freedom Singers performed under the competent direction of Mr. May and Mrs. Lancaster; and

WHEREAS these young people exemplify the high ideals of youth today; and

WHEREAS the Alabama Legislature does appreciate the time and effort of the Freedom Singers of Snead State Junior College; now therefor

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does heartily thank the Freedom Singers of Snead State Junior College for performing for the Alabama Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. May and Mrs. Lancaster and to the administration of Snead State Junior College.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 100 H.J.R. 103—Pegues, Lockett, Edwards, Manley

HOUSE JOINT RESOLUTION

WISHING J. WILSON BAKER, SHERIFF OF DALLAS COUNTY, A SPEEDY RECOVERY FROM HIS RECENT ILLNESS.

WHEREAS J. Wilson Baker, the Sheriff of Dallas County, is currently in the Baptist Medical Center - Montclair in Birmingham recovering from recent surgery; and

WHEREAS this resolution is but a small token of the good will we wish to send to Sheriff Baker; now therefor

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send Sheriff J. Wilson Baker best wishes for a speedy recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sheriff Baker at the Baptist Medical Center-Montclair in Birmingham.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 101 H.J.R. 104—White

HOUSE JOINT RESOLUTION

MEMORIALIZING CONGRESS TO ENACT HR 5580

WHEREAS, there is a critical need in Alabama for additional funds for wastewater treatment plant construction both to adequately provide for the health of the people of the State, and to assist the local governments of the State in satisfying the goals and requirements of the 1972 Amendments to the Federal Water Pollution Control Act, and

WHEREAS, even under the full funding authorized by Congress in P. L. 92-500, the local governments of Alabama would be extremely hard pressed to provide the funds to construct the necessary wastewater treatment facilities and to meet expensive and continuing requirements relating to the testing and monitoring of effluent from such facilities, and

WHEREAS, $9 billion in construction funds authorized by P. L. 92-500, which had been impounded by Executive Order during Fiscal Years 1973, 1974, and 1975, has now been released for use in the time period subsequent to Fiscal Year 1975, and

WHEREAS, the original formula used by the Environmental Protection Agency to distribute said funds authorized by P. L. 92-500 was based on an incomplete and totally unrealistic needs survey conducted in 1971 that severely discriminates against Alabama and at least 30 other states, and

WHEREAS, use of the new distribution formula based on need and population to allocate the $9 billion, which would benefit Alabama and at least 30 other states, would be employed by enactment of HR 5580, now pending in Congress, and

WHEREAS, under the original formula which EPA proposes to use to distribute the $9 billion, Alabama's share would be only $44 million, but under the new formula set forth in

HR 5580, Alabama's share would amount to approximately $120 million; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we urge the Congress of the United States to enact HR 5580 or similar legislation which will provide for a more equitable distribution of federal funding for the State of Alabama.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 102 H.J.R. 73—Hall, Boles, Biddle

HOUSE JOINT RESOLUTION

COMMENDING PAUL FRANCOIS OF PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE FOR INDUCTION INTO THE HALL OF HONOR OF PHI THETA KAPPA.

WHEREAS, Paul Francois of Pi Pi Chapter of Jefferson State Junior College was one of eight students selected from a national membership of thousands for induction into the Hall of Honor of Phi Theta Kappa, the National Honor Society for Junior Colleges; and

WHEREAS, Mr. Francois has been an inspiration to Pi Pi Chapter, the Alabama Region and Phi Theta Kappa nationally; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That Paul Francois be commended for the honor he has brought to Pi Pi Chapter, Jefferson State Junior College, the Alabama Junior College System and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Paul Francois.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 103 H.J.R. 74—Boles, Hall, Biddle

HOUSE JOINT RESOLUTION

COMMENDING MRS. JO MARSHALL FOR PROVIDING

THE INSPIRATION AND LEADERSHIP TO THE ALABAMA REGION OF PHI THETA KAPPA

WHEREAS, the Alabama Region of the national honor society for junior colleges, Phi Theta Kappa, was represented by five chapters at the National Convention in Philadelphia; and

WHEREAS, every Alabama chapter which attended received national recognition as follows:

1. Alexander City Junior College;
 President Byron Causey was selected for the President's Hall of Honor
2. Enterprise Junior College;
 Communications Award
 Milestone Award
3. George C. Wallace State Technical Junior College;
 Robert G. McLavey Award
4. Jefferson State Junior College;
 Most Distinguished Chapter Award
 Student selected for Hall of Honor
5. Southern Union Junior College;
 Student selected for Hall of Honor

WHEREAS, Mrs. Jo Marshall of Jefferson State Junior College is the Regional Advisor for the State of Alabama;

BE IT THEREFORE RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That these chapters of Phi Theta Kappa be commended for their illustrious representation of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Jo Marshall.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 104 H.J.R. 75—Biddle, Boles, Hall

HOUSE JOINT RESOLUTION

COMMENDING PI PI CHAPTER OF PHI THETA KAPPA OF JEFFERSON STATE JUNIOR COLLEGE

WHEREAS, Phi Theta Kappa is the Junior College Scholarly Fraternity recognized since 1929 by the American Association of Junior Colleges; and

WHEREAS, Phi Theta Kappa presents each year a Most Distinguished Chapter Award to the chapter which, during the past year, has excelled in scholastic pursuits, local and national activities, and service to school and community; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College in competition with five hundred chapter throughout the nation, has been awarded the Most Distinguished Chapter Award for 1974-75 at the National Convention in Philadelphia; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Pi Pi Chapter be commended for its achievement and the honor it has brought to Jefferson State Junior College, the Alabama Junior College System, and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Pi Pi Chapter of Phi Theta Kappa.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 105 H.J.R. 76—Porter

HOUSE JOINT RESOLUTION

COMMENDING MISS VENETTE HOOKS UPON HER SELECTION FOR MEMBERSHIP IN MORTAR BOARD AT THE UNIVERSITY OF ALABAMA.

WHEREAS the highest honor that can be conferred on a woman student on any college campus in this nation is for selection for membership in Mortar Board; and

WHEREAS Miss Venette Hooks has been selected for membership in Mortar Board at the University of Alabama; and

WHEREAS Miss Venette Hooks justly deserves membership in Mortar Board for in every respect she meets the qualifications of outstanding leadership, scholarship and service which are the foundation stones upon which Mortar Board has built its reputation of excellence; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Miss Venette Hooks upon her selection for membership in Mortar Board.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Venette Hooks.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 106 H.J.R. 81—McCorquodale, Owens, Manley, Crowe, Merrill

HOUSE JOINT RESOLUTION

COMMENDING THE CAPITOL GUIDES FOR THEIR FRIENDLY HELPFULNESS TO NEWCOMERS TO THE CAPITOL.

WHEREAS newcomers to the capitol building, whether visitors or freshman legislators, have traditionally been greeted by those gracious and friendly ladies who serve as capitol guides; and

WHEREAS these official hostesses of the capitol perform their duties with great knowledgeability of the history of the capitol as well as the State of Alabama and the men and women who have served her through the years; and

WHEREAS visitors to the capitol likewise benefit from the knowledge and understanding of political and legislative processes these ladies possess and freely share; and

WHEREAS this legislature wishes to honor these capitol guides whose combined experience of more than thirty years make visits to the capitol of Alabama pleasant and informative; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Lucile K. Ferguson, Mrs. Annie S. Pagett, Mrs. Marie H. Walker, and Mrs. Susie Martin for their most gracious and able service as capitol guides.

Approved April 29, 1975.

Time: 1:30 P.M.

Act No. 107 S. 81—McDonald (S), Mims

AN ACT

To authorize the Governor upon application of any probate judge having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed as a patient to a hospital for insane persons, to appoint one or more special probate judges for the purpose of considering hearing and making appropriate orders with regard to the commitment, recommitment or continued custody of such persons; to provide the judicial authority of such special probate judges; to provide the jurisdiction of such probate courts over such persons; to provide the qualifications of such special probate judges; to provide the compensation of such special probate judges; to provide an appropriation to carry out the purposes of this Act; and to provide a termination date for the authority contained in this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon application of any Probate Judge of the State of Alabama having jurisdiction over the commitment, recommitment or continued custody of any person involuntarily committed by the probate court of any county in the State of Alabama as a patient to hospital for insane persons the Governor may appoint one or more special probate judges for the purpose of considering, hearing and entering appropriate orders with regard to the commitment, recommitment or continued custody of such persons, who have been involuntarily committed to any such facility by action of the probate court of any county in the State of Alabama.

Section 2. A special probate judge appointed under provisions of this Act shall be vested with all authority, duties, responsibilities and judicial functions of the probate court having jurisdiction over any person involuntarily committed by the probate court of any county in the State of Alabama to any facility operated by the mental health board. Such jurisdiction shall be concurrent with the probate court having committed such person or having jurisdiction over the commitment, recommitment or continued custody of such insane person.

Section 3. All hearings conducted by special probate judges appointed under provisions of this Act shall be conducted in the facilities provided by Alabama Mental Health Board wherein such persons involuntarily committed as a patient are located.

Section 4. Any special probate judge appointed under provisions of this Act shall be a citizen of the State of Alabama and licensed to practice law in this State, he shall not however, be required to be a resident of the county or counties for which he is appointed.

Section 5. All special probate judges appointed under provisions of this Act shall be compensated by the State Comptroller in such amount and manner as may be prescribed by the Governor in his letter of appointment.

Section 6. There is hereby appropriated to the State Comptroller from the General Fund of the State Treasurer the sum of $50,000.00 for the purposes of paying salaries and expenses of such special probate judges appointed under provisions of this Act.

Section 7. The authority, appropriations, and other provisions of this Act shall terminate on October 1, 1975.

Section 8. The provisions of this Act are severable if any provision is declared unconstitutional such declaration shall not affect the part or parts remaining.

Section 9. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1975.

Time: 3:45 P.M.

Act No. 108 S. 29—Stewart, Waldrop, Owen, Flippo, Fine, Torbert. Powell, Wilson, Vacca, Jones, Perry, Perloff, Shelby, McMillan, Gilmore, Bank, Weaver, Mims, Foshee, Adams, Little, St. John

AN ACT

To provide for the establishment of an office of the Legislature to be known as the Legislative Fiscal Office subject to the supervision of a joint continuing legislative committee known as the Joint Fiscal Committee and to provide appropriation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is established an office of the Legislature to be known as the Legislative Fiscal Office (hereinafter in this Act referred to as the "Office") under the supervision, direction and control of an officer designated as the director of the fiscal office.

Section 2. There is hereby created a continuing legislative committee to be known as the Joint Fiscal Committee whose duty it shall be to supervise the operation of the legislative fiscal office. The committee shall consist of the chairman of the House Ways and Means Committee, three members of the House Ways and Means Committee selected by the chairman of the House Ways and Means Committee, the chairman of the Senate Finance and Taxation Committee, three members of the Senate Finance and Taxation Committee, selected by the chairman of the Senate Finance and Taxation Committee, the Lieutenant Governor and the Speaker of the House, whose terms shall be for the quadrennium for which they were elected to the legislature and until their successors have been elected and qualified. The Chairman of the Senate Finance and Taxation Committee shall serve as chairman of the committee and the committee shall meet at the call of the chairman or any three members thereof, provided that the committee shall meet at least once each four months. Members shall be entitled to transportation allowances and to their regular legislative pay

and per diem expenses for each day in which they are actually engaged in committee work.

Section 3. The Director shall be selected and appointed by the Joint Fiscal Committee. The salary of the Director shall be fixed by the Joint Fiscal Committee at a per annum gross rate no less than the minimum per annum gross rate established for the State Budget Officer and the Director may, at his selection, participate in any retirement system available to state employees.

The Director may be removed by a majority vote of the Joint Fiscal Committee or by a joint resolution of the House and Senate.

Section 4. The Director shall appoint, without regard to the state merit system law, such personnel as may be necessary to carry out the duties and functions of the Office. The compensation of such personnel shall be fixed by the Director in accordance with that of comparable positions established under the state merit system pay plan. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the State.

Section 5. The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, institutions, and establishments of the Executive Branch of Government and the regulatory agencies and commissions of the State. All such departments, agencies, establishments, institutions, regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions. The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each such department, agency, establishment, institution or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

Section 6. In carrying out the duties and functions of the Office, and for the purposes of coordinating the operations of the Office with those of other legislative agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates and statistics developed by the Legislative Reference Service and the Department of Examiners

of Public Accounts and (upon agreement with them) to utilize their services, facilities and personnel with or without reimbursement. The Office, however, shall be separate from and independent of the Legislative Reference Service and the Department of Examiners of Public Accounts.

Section 7. It shall be the duty and function of the Office to provide to the Committee on Ways and Means of the House and to the Finance and Taxation Committee of the Senate information which will assist such committees in the discharge of all matters within their jurisdictions, including: (1) information with respect to the budget, appropriation bills, and other bills authorizing or providing budget authority or tax expenditures; (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions; and (3) such relating information as such committees may request.

Section 8. At the request of any other committe of the House of Representatives or the Senate or any joint committee of the Legislature, the Office shall provide to such committee or joint committee any information compiled in carrying out clauses (1) and (2) of Section 7 of this Act and to the extent practicable, such additional information related to the foregoing as may be requested.

Section 9. At the request of any member of the House or Senate, the Office shall provide to such member any information compiled in carrying out clauses (1) and (2) of Section 7 of this Act and to the extent practicable, such additional information related to the foregoing as may be requested.

Section 10. The Director may equip the Office with up-to-date computer capability, obtain the services of experts and consultants in computer technology and develop techniques for the evaluation of budgetary matters.

Section 11. The Legislative Fiscal Office shall supersede the fiscal office for the Senate created by Senate Resolution of the Third Special Session of 1971, adopted February 2, 1972 (J.P. 671), and the position of the fiscal consultant or statistician provided for in Act No. 48, H. 413 of the 1973 Regular Session is hereby abolished; and the duties thereof are hereby transferred to the Legislative Fiscal Office.

Section 12. There is hereby appropriated from the General Fund in the State Treasury to the Legislative Fiscal Office the following amounts:

For the fiscal year ending September 30, 1976 $125,000.00

For the fiscal year ending September 30, 1977 $125,000.00

The appropriations herein made shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Legislative Fiscal Office.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1975.

Time: 2:40 P.M.

Act No. 109 H. 53—Turnham, McNair, McCorquodale, Crowe, Callahan, White, Brindley, Owens, Crawford, Drake, Baker, Plaster, Hill, Sandusky, Warren

AN ACT

To establish an Alabama Rehabilitation Program for the Homebound to supply medical and attendant care for the homebound handicapped; to provide for supplies, equipment, transportation, and home modification for handicapped persons; and to appropriate funds to be administered by the Division of Rehabilitation and Crippled Children Service of the Department of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Division of Rehabilitation and Crippled Children Service of the Department of Education is authorized to establish a Rehabilitation Program for the Homebound to provide medical and attendant care and adjustment aids to those handicapped persons who meet certain requirements hereinafter stated. The Division of Rehabilitation and Crippled Children Service shall be responsible for the administration of the program but may contract with other state agencies or private organizations in connection with the program.

Section 2. Services that may be provided eligible persons, if not available from other sources, include: (A) medical care; (B) adjustment training; (C) attendant care; (D) prosthetic appliances; (E) home health care by health care team; (F) home modification provided that no more than $1000 shall be expended on any one home in any one year; (G) transportation; and (H) medical supplies.

Section 3. Services available under this Act may be provided to any person who: (a) has made application therefor to the Director of the Division of Rehabilitation and Crippled Children Service in the manner prescribed by him; (b) has a severe disability that causes the person to be homebound, such disability to be certified by an appropriate medical specialist; (c) has not sufficient income or resources (including family income or resources, insurance, workman's compensation, etc.), to meet the cost of home care services applied for such insufficiency to be determined by a Rehabilitation and Crippled Children Service staff member; (d) is under the care of a family member who is a potential wage earner and will be relieved to engage in employment outside the home, such circumstances to be certified by a vocational rehabilitation counselor, and such counselor will be responsible for helping place such family member in employment; (e) is a resident of this state.

Section 4. Attendant care may be provided when: (a) the requirements of Section 3 are met; and (b) an attendant trained by competent medical and vocational rehabilitation personnel is available to provide the care needed by the homebound person. Nothing in this Act shall be construed to prohibit a member of the handicapped person's family from serving as an attendant under this Act.

Section 5. The Director of the Division of Rehabilitation and Crippled Children Service shall establish as many regional rehabilitation committees as he deems necessary. Each such committee shall be made up of (a) a medical specialist; (b) a vocational rehabilitation counselor; (c) a registered nurse; (d) physical therapist; and (e) a social worker. Each committee member shall be appointed by and serve at the pleasure of the Director of the Division of Rehabilitation and Crippled Children Service. Such committees shall be responsible for the final determination of the eligibility of each applicant for services provided under this Act, and the type and extent of services needed by such applicant.

Section 6. There is hereby appropriated from the Special Educational Trust Fund in the State Treasury to the Division of Rehabilitation and Crippled Children Service of the Department of Education the following amounts:

For the fiscal year ending
September 30, 1976 $1,400,000.00
(one million four hundred thousand dollars)

For the fiscal year ending
September 30, 1977 $1,400,000.00
(one million four hundred thousand dollars)

The appropriations herein made shall be used to implement and maintain the Alabama Rehabilitation Program for the Homebound.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1975.

Time: 2:30 P.M.

Act No. 110 H. 144—Gafford, Falkenburg, Biddle

AN ACT

To provide that in any county having a population of 500,000 or more according to the last or any subsequent federal census the governing body of the county shall appoint and may remove the Chairman of the Board of Registrars, subject, however, to the provisions of the merit system of the county; to provide the compensation which shall be payable to such Chairman by such county; to provide that the Chairman shall pay to the county any compensation he or she receives from the State of Alabama; to provide for the duties and authority of such Chairman; to provide when and where the Board of Registrars shall meet; and to repeal all laws or parts of laws inconsistent with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to counties of this State having a population of 500,000 or more according to the last or any subsequent federal census and to no other county.

Section 2. As herein used, these words and terms have the meanings hereby given them: "the county" means any county to which this Act applies; "the chairman" means the chairman of the board of registrars.

Section 3. In every county wherein this Act applies the governing body of the county shall appoint the chairman of the board of registrars and such governing body may remove the chairman; provided, however, that the appointment and removal of the chairman shall be subject to the merit system of the county; and the chairman shall otherwise be subject to and entitled to the benefits of the law establishing such merit system. The chairman shall serve full time, and he, or she, shall receive compensation from the general funds of the county in an amount to be determined by the county governing body, subject to any laws providing for civil service authorities to establish salaries for officers or employees of the county. The chairman shall promptly pay to the county any compensation he or she receives from the State of Alabama for serving as chairman.

Section 4. The chairman shall authorize the principal clerks in the office of the board of registrars to administer oaths and accept application any day of the week from any persons applying to register.

Section 5. The chairman is empowered to appoint deputies to the board of registrars. Any such deputy to the board of registrars shall be authorized to register as qualified electors all persons possessing the qualifications prescribed by law for voters, subject, however, to the rules and regulations the chairman adopts. The chairman is authorized to adopt written rules and regulations prescribing the times and places at which, and the conditions and circumstances under which, a deputy to the board of registrars shall be authorized to accept applications for registration at a place other than at the courthouse and prescribing the conditions on which any person filing any such application shall be registered as a qualified voter.

Section 6. The board of registrars shall meet for the purpose of registering qualified persons as voters or electors at the courthouse on each Monday, Tuesday and Wednesday in each week; provided, that if there is in the county a branch courthouse, the board of registrars shall meet at such branch courthouse on the last Wednesday in each month and on the preceding Monday and Tuesday for the purpose of registering qualified persons as voters or electors; provided further, that the board of registrars shall not meet in any place unless accommodations and necessary facilities for registering qualified persons as voters or electors are furnished to the board; provided further, that the board of registrars, upon petition of 25 or more resident citizens of any precinct who are eighteen years of age or over and who desire to be registered as voters or electors, shall meet at a regularly designated polling place or at such other place as selected by the board of registrars in such precinct of the county on any Thursday or Friday of any week for the purpose of registering qualified persons as voters or electors; provided further, that the board of registrars shall not, during the two weeks immediately preceding any regular or special municipal, county, state or federal primary or general election, register any person who will be entitled to vote at such election. Any person who registers less than four weeks, but more than two weeks, immediately preceding any regular or special municipal, county, state or federal primary or general election shall be placed on a supplemental list of voters and said supplemental list shall be delivered to the polling places prior to the election. In the event that the board of registrars meets pursuant to the third proviso of the next preceding sentence, they shall give at least twenty days notice of the date and time when, and the place and the precinct where, they will meet to register qualified persons as voters or electors, by bills posted at three or more public places in the precinct where they will

so meet, and by notice one time in a newspaper of general circulation in the county. The provisions of Sections 26 and 27, Title 17, Alabama Code of 1940, of Act No. 668 of the Regular Session of the Legislature of 1947 (Ala. Acts, 1947, page 509) and of Act No. 6 of the Fourth Special Session of 1950 (Ala. Acts, 1950 and 1951, page 45), shall have no application in the county insofar as said provisions fix the time when the board of registrars shall or may meet for registering qualified voters or electors.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws, whether general, local or special, which conflict with this Act are repealed to the extent of any such conflict.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 111 S. 51—Mitchell

AN ACT

To authorize the Circuit Clerk of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, to provide for the compensation of said Clerks, and to repeal Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court of Autauga County, Alabama, may appoint one Chief Deputy Clerk and additional Deputy Clerks to serve under his direction and at his pleasure. The Chief Deputy Clerk shall be paid an annual salary of not less than seven thousand two hundred dollars, ($7,200.00), which salary shall be fixed and determined by the Autauga County Commission, or other like governing body of said county, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the county upon proper claim being made. Other additional Deputy Clerks shall be paid an annual salary of not less than four thousand eight hundred dollars, ($4,800.00), per year which salary shall be fixed and determined by the Autauga County Commission, or

other like governing body of said county, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the County upon proper claim being made.

Section 2. This act repeals Act No. 204, S. 263, approved July 22, 1969, page 524, Volume 1, Acts of Alabama, Regular Session, 1969.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 112 S. 62—Vacca, McMillan, Clemon, Ellis, Pearson

AN ACT

TO PROVIDE FOR, AND REGULATE, THE OFFICE OF REGISTER OF THE CIRCUIT COURT IN EVERY COUNTY OF THE STATE HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS; TO PROVIDE THAT SUCH OFFICE SHALL BE A COUNTY OFFICE SUBJECT TO ANY CIVIL SERVICE LAW APPLYING TO EMPLOYEES OF THE COUNTY; TO PROVIDE HOW THE REGISTER SHALL BE APPOINTED AND REMOVED; AND TO PROVIDE HOW THE COMPENSATION OF THE REGISTER SHALL BE ESTABLISHED.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every County of the State having a population of 600,000 or more according to the last or any subsequent federal census, and to no other County.

Section 2. As herein used these words and terms have the meanings here accorded them: "the County" means a county subject to this Act; and "the Circuit Court" means the Circuit Court of that judicial circuit in which the county is located.

Section 3. Subject to Section 4, below, the Register, shall be appointed and removed in the manner and by the authority as Section 210, Title 13, Code of Alabama of 1940, as amended by Act No. 205 of the Regular Session of the Legislature of 1971 (Ala. Acts, 1971, page 501) provides a Register shall be appointed and removed. The only provisions of said Section 210 hereby adopted are the provisions thereof pertaining to the method of appointing and removing the Register.

Section 4. The Register shall be a County officer subject to the civil service law applying to employees of the County. Without limiting the generalities of the next foregoing sentence, it is here provided that the following provisions of the said civil service law shall apply to the Register: the provisions governing the appointment and removal of County employees and the provisions governing the establishment of salaries for County employees.

In the application of the provisions of the civil service law regarding tenure, longevity, compensation and any other provisions of the civil service law under which the period, or length of an employee's service is material, any service as Register performed by a person who is serving as Register of the County when this Act becomes applicable to the County shall be considered as if such person had performed service as Register while the office of Register was subject to the civil service law of the County.

The Register shall perform all duties which the laws in effect at the time of the adoption of this Act, or laws hereafter adopted, prescribe that he shall perform, and any other duties assigned to him by the Circuit Court in which he serves.

Section 5. The Register shall be a member of the Pension System established for County employees.

Section 6. All laws, and parts of laws, whether general, local or special, in conflict with any provision of this Act are, to the extent of such conflict, repealed.

Section 7. Should any part of this Act be declared invalid, such declaration shall not affect the validity of the remaining parts of this Act.

Section 8. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 113 H.J.R. 12—Andrews, Harrison, Biddle

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY REAL ESTATE PRINCIPLES, PRACTICES AND THE UPGRADING OF REAL ESTATE OPERATING AND LICENSING LAWS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That five members of the House and four members of the Senate, appointed by the presiding officer of the respective Houses be appointed to constitute a Joint Interim Committee to study real estate principles, practices and the upgrading of real estate operating and licensing laws. The chairman of the committee shall be appointed by the Speaker of the House and the vice-chairman shall be appointed by the Lieutenant Governor. The Committee shall file its written report and recommendations with the House and Senate not later than the 15th Legislative Day of the 1975 Regular Session.

Each member of the committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting of the Committee. Such amount shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the Committee chairman.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 114 H. 5—Manley, Pegues

AN ACT

Authorizing the county commission of Marengo County to pay the sheriff of Marengo County a monthly expense allowance of two hundred fifty dollars ($250.00).

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marengo County is authorized to pay from the county general fund to the sheriff of Marengo County, the sum of two hundred fifty dollars ($250.00) per month as an expense allowance. Such allowance shall be in addition to any and all other compensation and allowances presently or hereinafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 115 H. 43—Folmar

AN ACT

Relating to counties having populations not less than 24,900 nor more than 25,150 acording to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,900 nor more than 25,150, according to the most recent federal decennial census, in each civil or quasi-civil action at law, suit in equity, criminal or quasi-criminal case or any other proceeding filed in, arising in, or brought by appeal, certiorari, or otherwise in the circuit courts, inferior courts or other courts in such counties, there shall be taxed as part of the costs the sum of one dollar ($1.00). The fees taxed under this act shall be collected as other costs in such cases are collected; and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be paid to the treasurer or depository as herein set forth. The sums so paid over to the county treasury or depository shall be maintained in a separate account in the county treasury or depository designated as the county law library fund. Said funds shall be expended by the judges of the circuit courts of said counties for establishing, maintaining, equipping, and operating a law library within such counties. The said judges shall draw warrants on the county treasury or depository in making expenditures for the purposes contemplated in this act and shall indicate on the warrants the fund against which the warrants are drawn. The said items of costs referred to above shall be designated as law library fees; and when any part of the costs in a case has been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks or other collecting officers of the courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees prior to the first day of the month. The management of the law library is rested in the judges of the circuit courts in said counties. All books or other property purchased with the funds produced by this act shall be the property of said counties.

Section 2. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 116 H. 49—Carter, Moore (W)

AN ACT

To amend Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary, expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds"; so as to further regulate the salary of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 69, H. 692, 1969 Regular Session (Acts of 1969, p. 359), entitled "An Act Relating to the public school funds of Limestone County; authorizing the board of education to budget and expend funds for the office of the county superintendent of education, and to regulate the salary expenses and allowances of the superintendent; providing for the payment of monthly expense allowances to members of the board of education from such funds" is hereby amended to read as follows:

"Section 3. The Limestone County Board of Education shall have the authority to set the annual salary of the Superintendent of Education at not less than $12,000 per annum and not to exceed $21,000 per annum and shall also have authority to set travel and all other expenses of the superintendent not otherwise allowed by law. When the board of education deems it necessary or advisable, they shall have authority to raise the superintendent's salary and allowance for travel and other expenses during any term of office."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 117 H. 50—Carter, Moore (W)

AN ACT

Relating to Limestone County; providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. In Limestone County the officers appointed to hold elections, upon proper proof of services rendered, shall each be entitled to five dollars ($5.00) a day in addition to all other compensation provided for by law. In case of a municipal election or primary, the additional compensation shall be paid by the city or town holding the election or primary; in all other cases the additional compensation shall be paid by the county and no part thereof shall be paid or refunded by the state.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed as to Limestone County.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 118 H. 51—Carter, Moore (W)

AN ACT

Relating to Limestone County; to provide further for the compensation for the members of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Limestone County is hereby authorized and empowered to pay each member of the jury commission out of the general fund in the county treasury such an amount, as will make his compensation equal $20.00 per

day for each day he is actually engaged in the discharge of his duties when totaled with all other compensation he is authorized to be paid by law for serving as a jury commissioner.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 119 H. 52—Dial

AN ACT

To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other allowances and compensation now provided by law, there shall be paid to the official court reporter for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama, in equal monthly installments, an allowance of $2400 per annum, for the purpose of defraying the expenses of such official court reporter in the performance of his official duties. The allowance provided for herein shall be paid from the general funds of the counties composing the circuit on a pro rata basis calculated upon the population of the county in relation to the whole circuit.

Section 2. This act is cumulative and does not supersede or repeal any other law, general, special or local.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 120 H. 72—Campbell, Manley

AN ACT

To enlarge the corporate limits of the town of Cuba, Alabama, located in Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Cuba in Sumter County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within such corporate limits of the town, certain land lying and being in Sumter County and more particularly described as follows:

Beginning at the Southeast corner of the Northeast Quarter of Section 27, run North along the East line of said Northeast Quarter of Section 27 to the Northeast corner of Section 27, which point is also the Southwest corner of Section 23; thence East along the South line of Section 23 to the Southeast corner of the West Half of Section 23; thence North along the East line of the West Half of Section 23 and the Eastline of the West Half of Section 14 to the Northeast corner of the West Half of Section 14; thence West along the North line of Section 14, the North line of Section 15, and the North line of the Northeast Quarter of Northeast Quarter of Section 16 to the Northwest corner of the East Half of East Half of Section 16; thence South along the West line of the East Half of East Half of Section 16, the West line of the East Half of East Half of Section 21, and the West line of the East Half of the Northeast of Section 28 to the Southwest corner of the East Half of Northeast Quarter of Section 28; thence East along the South line of the East Half of Northeast Quarter of Section 28 and the South line of the North Half of Section 27 to the point of beginning.

All of the above lands lie in Township 17 North, Range 4 West, Sumter County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 121 H. 99—Lee, Robertson

AN ACT

To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That Section 1 of Act No. 2331, S. 772, page 3759, Volume V, Acts of Alabama, 1971, be and the same is hereby amended to read as follows:

"Section 1. This Act shall apply only in counties of the state having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word 'county' means any county to which this Act applies; the phrase 'county governing body' means the court of county commissioners, board of revenue, or other like governing body of any such county, and where appropriate shall mean commission board or other like governing body of any municipality in such county; the word 'election' means any general, special, or primary election held in the county, including a district, municipal, county, state or federal election; and the term 'voting center' means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections."

SECTION 2. All laws or parts of laws which conflict with this Act are repealed.

SECTION 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 122 H. 105—Carothers, Smith (J)

AN ACT

To provide for the appointment of Assistant District Attorneys for Houston County, Alabama, to redesignate the office of Deputy District Attorney as the office of Assistant District Attorney; and to provide for the appointment, duties and compensation of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Deputy District Attorney No. 1 and Deputy District Attorney No. 2 of Houston County, Alabama, shall be abolished.

Section 2. The offices of Assistant District Attorney No. 1 and Assistant District Attorney No. 2 of Houston County, Alabama, are hereby created in lieu of the present offices of

Deputy District Attorney No. 1 and Deputy District Attorney No. 2. The two Assistant District Attorneys of Houston County, Alabama, No. 1 and No. 2, shall be appointed by and shall serve at the pleasure of the District Attorney of the 20th Judicial Circuit. Each Assistant District Attorney must be a resident of Houston County, Alabama. Each Assistant District Attorney must be qualified by the Courts of this State for the practice of law, but he shall not be subject to the provisions of Subsection 12 of Section 229, Title 13, Code of Alabama 1940.

Each Assistant District Attorney shall perform such duties and exercise such authority as may be prescribed by law pertaining to duties and authority of Deputy District Attorneys, and by the District Attorney of the 20th Judicial Circuit.

Section 3. The salary of Assistant District Attorney No. 1 shall be fixed by the District Attorney of the 20th Judicial Circuit at a sum not to exceed $9600.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General Fund of said County. The salary of Assistant District Attorney No. 2 shall be fixed by the District Attorney for the 20th Judicial Circuit at a sum not to exceed $7,200.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the General Fund of said County.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 123 H. 110—Rich

AN ACT

Relating to counties having a population of not less than 15,400 nor more than 15,625 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 15,400 nor more

than 15,625 inhabitants according to the most recent federal decennial census.

Section 2. In all counties to which this Act applies it shall be illegal to trap foxes by the use of any kind of device including but not limited to steel, iron, metal, brass, or any other kind of material used for the purpose of holding, catching, hindering, or trapping foxes.

Section 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished as prescribed by law.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 124 H. 118—Carter, Moore (W)

AN ACT

To amend Act No. 527, H. 1330, Regular Session 1973 (Acts 1973, p. 768), entitled, "An Act Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize the county commission of such counties to expend county funds for certain public recreation programs for minors up to 19 years of age," so as to provide further for such programs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 527, H. 1330, Regular Session 1973 (Acts 1973, p. 768) is hereby amended to read as follows:

"Section 2. The county governing body of any county to which the provisions of this act applies is hereby authorized to expend from the county general funds of such counties such amounts as they deem necessary, not to exceed $10.00 per participant, to assist in summer baseball organizations for minors up to 19 years of age. A school-affiliated program or club shall be organized in such counties by the county governing body for the purposes of organizing and supervising the said summer recreational programs. The said clubs in charge of the summer programs shall make funds available to any organized girls softball teams, and if it fails to assist such girls

teams, the program shall receive no further funds from the country governing body for such summer recreational activities.

The largest municipality in such counties shall not be eligible to participate in the summer program herein provided.

The county bodies to which this act applies are also expressly authorized to require any club which seeks to participate under this program to itemize its expenditures and the said governing bodies may discretionarily refuse or exclude any or all expenditure requests made by any club or team participating in the program.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 125 H. 135—Smith (M), Turnham

AN ACT

To authorize and empower the Library Board of any county with a population of not less than 35,000 nor more than 38,000 inhabitants to name the library building and the archives building located in any such county for any person whether living or deceased even though state funds may be used to finance the building, wholly or in part.

Be It Enacted by the Legislature of Alabama:

Section 1. The Library Board of any county with a population of not less than 35,000 nor more than 38,000 inhabitants is hereby authorized and empowered to name any library building and any archives building located in any such county, for any person whether living or deceased, even though state funds may be used to finance the building, wholly or in part.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 126 H. 150—Manley, Campbell, Clark

AN ACT

To provide an additional expense allowance to the judge of the 17th judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the 17th judicial circuit shall receive an additional expense allowance of $375 per month which shall be in addition to any and all other compensation, salary and expense allowances now provided for by law. The county governing body of each of the counties comprising the 17th judicial circuit shall contribute an equal amount out of the county general fund to the payment of said expense allowance.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 127 H. 178—Pegues

AN ACT

Authorizing the county commission of Perry County to provide for not more than two additional clerks to assist the probate judge of Perry County in the performance of his duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Perry County may provide for not more than two clerks in addition to those presently authorized, to assist the probate judge of Perry County in the performance of his duties. The personnel shall be selected by the judge of probate and the compensation of each such employee shall be set by the county governing body in an amount not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per month.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 128 S.J.R. 46—Edwards

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE ISAAC JOHNSON OF DANVILLE, ALABAMA.

WHEREAS, the Alabama legislature has noted with a sense of deep regret the passing of Judge Isaac Johnson of Danville, Alabama; and

WHEREAS, Judge Johnson served four terms as Probate Judge of Lawrence County from 1941 to 1965 and was said county's only supernumerary probate judge; and

WHEREAS, Judge Johnson was a devoted community builder who served his people with great love and dedication; and

WHEREAS, Judge Johnson was a prominent and influential leader in the civic, social and religious life of his community. He was a diligent and devoted member of the Methodist Church, having served on the Board of Stewards of said church; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Judge Isaac Johnson and express our deep and sincere sympathy to his widow, Mrs. Pauline Johnson, and his family to whom copies of this resolution shall be sent.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 129 S.J.R. 48—Fine, Jones, Bank, Adams, Baker, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson

SENATE JOINT RESOLUTION

PROCLAIMING SATURDAY, APRIL 26, 1975, AS GEORGE "GOOBER" LINDSEY DAY.

WHEREAS, George "Goober" Lindsey has gained worldwide fame as an actor and recording artist; and

WHEREAS, George "Goober" Lindsey is a native of Jasper who attended Florence State University on a football scholar-

ship and was a classroom teacher at Hazel Green High School in Huntsville; and

WHEREAS, George "Goober" Lindsey served three years in the U. S. Air Force during which time his talents as an entertainer were recognized when he was named runner-up in a world wide Air Force Talent Contest; and

WHEREAS, following his television debut on the "The Jack Parr Show," he quickly rose to fame as "Goober" on the "Andy Griffith Show" and "Mayberry RFD" and then made guest appearances on more than 50 television programs including such notables as "Gunsmoke," "The Glen Campbell Hour," and "Alfred Hitchcock Presents"; and

WHEREAS, he is now in his third season as a regular on the syndicated series, "Hee Haw"; and

WHEREAS, George "Goober" Lindsey's contributions to the world of entertainment have indeed been colossal, the success of his campaign to promote special children's olympics has been even greater; and

WHEREAS, thousands of parents and children in this country will remember George "Goober" Lindsey not only as a great entertainer but also as a great humanitarian; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby proclaim Saturday, April 26, 1975, as George "Goober" Lindsey Day in this state and strongly urge all Alabamians to attend George "Goober" Lindsey's Celebrity Stars Show that night at Garrett Coliseum.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 130 S.J.R. 49—Givhan

SENATE JOINT RESOLUTION

NAMING STATE HIGHWAY 183 IN PERRY COUNTY THE "J. C. GRIFFIN HIGHWAY"

WHEREAS J. C. Griffin contributed immeasureably to the enrichment of our social, cultural and economic lives and was a devoted community builder who served his people with great love and dedication; and

WHEREAS J. C. Griffin was a true southern gentleman whose advice and counsel was sought by people in all walks of

life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS J. C. Griffin was one of the early leaders in working for good roads in Perry County; and

WHEREAS he worked particularly hard for securing a good road from Sprott to Maplesville which is now State Highway 183; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That State Highway 183 in Perry County be and the same hereby is designed as the "J. C. Griffin Highway."

BE IT FURTHER RESOLVED That the State Highway Department is hereby directed to so mark and designate said highway by appropriate signs.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 131 S.J.R. 53—Wilson, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver

SENATE JOINT RESOLUTION

COMMENDING FINIS E. ST. JOHN, IV.

WHEREAS, It is a tradition in the St. John family of Cullman that each generation should exceed the achievements of the generation before; and

WHEREAS, Our colleague, Finis E. St. John, III is well on his way to establishing a high water mark in his political and judicial career; and

WHEREAS, His son, Fess St. John, aware of this tradition, has already overshadowed his distinguished predecessor by being elected president of Key Club International, the high school arm of the Kiwanis Club, consisting of 80,000 boys from all over the United States and Canada; and

WHEREAS, He was the youngest boy ever to be elected

president of Alabama Key Clubs, prior to his elevation to the national presidency; and

WHEREAS, In spite of his extensive travels over the United States and Canada representing this outstanding youth service organization, Fess finds time to maintain a high scholastic record and to take part in varsity basketball and golf as a senior at Cullman High School; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly congratulate Finis E. St. John, IV for the many honors and achievements of his eighteen years, and wish for him continued success as he carries on the St. John tradition.

BE IT FURTHER RESOLVED, That we share in the justifiable pride of his parents, Senator and Mrs. St. John, and commend them for the direction and guidance which their son reflects.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Finis E. St. John, IV.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 132 S.J.R. 56—McMillan, Clemon

SENATE JOINT RESOLUTION

Commending Miss Janie Richet Pearson

WHEREAS, Miss Janie Richet Pearson, the daughter of our distinguished fellow Senator J. Richmond Pearson, was recently selected as the only female member of the Senior National Honor Society at Birmingham University School; and

WHEREAS, Janie has had an outstanding record both in academic pursuits and extra-curricular and church activities; and

WHEREAS, The accomplishments of our children are even more gratifying to us than our own; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we congratulate Miss Janie Richet Pearson for this signal honor which she so richly deserves.

BE IT RESOLVED, That we also congratulate Senator and Mrs. Pearson for their achievement in producing and raising this fine young lady.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Miss Janie Richet Pearson.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 133 S.J.R. 57—McMillan

SENATE JOINT RESOLUTION

Commending Al Fox, Jr., on being selected National Merit Scholar

WHEREAS, This body has the greatest respect for Al Fox, distinguished member of the Capitol Press Corps, because of his journalistic accomplishments; and

WHEREAS, It has been learned that he has an even greater accomplishment to his credit—his son, Al Fox, Jr., who was recently awarded a National Merit Scholarship; and

WHEREAS, "Peck" Fox, who has never made anything but A's in his 16 years, is the only student in the history of Woodlawn High School to serve as editor of the school yearbook while still a junior; and

WHEREAS, He is the only student in the Birmingham Public School System to have merited this honor, based on academic excellence, school recommendations and extra-curricular activities; and

WHEREAS, Peck still finds time to play on the Woodlawn golf team and is an ardent sports fan; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That this body takes great pride in the honor which has come to Al Fox, Jr., and, through him, to his parents.

BE IT FURTHER RESOLVED That there probably is no hat in the world large enough for the swelled head of Al, Sr.

BE IT FURTHER RESOLVED That congratulations are also in order to Al and Mrs. Fox for the large part they have played in the success of their son.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 134 S.J.R. 58—Ellis

SENATE JOINT RESOLUTION

HONORING SENATOR J. RICHMOND PEARSON UPON BEING CHOSEN BY THE KAPPA ALPHA PSI FRATERNITY, INC. AS "KAPPA MAN OF THE YEAR."

WHEREAS our beloved colleague, Senator J. Richmond Pearson of Jefferson County, was honored by the Birmingham Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. as "Kappa Man of the Year"; and

WHEREAS the ceremonies were held at 4 p.m. at Sixteenth Street Baptist Church in Birmingham on Sunday, April 20; and

WHEREAS Senator Pearson is a member of the Grand Board of Directors of the Fraternity; and

WHEREAS this is an houor much deserved by Senator Pearson; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate our fellow member, Senator J. Richmond Pearson, on being chosen by the Birmingham Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. as "Kappa Man of the Year."

BE IT FURTHER RESOLVED That the Secretary of the Senate present a copy of this resolution to Senator Pearson.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 135 S. 10—King, Jones

AN ACT

To repeal Act No. 1070 of the 1973 Acts, as amended, which authorized a 15% cost of living increase to certain retired members of the Employees' Retirement System of Alabama; also to provide for a change in the formula factor used to calculate retirement benefits under the Employees' Retirement System from 1.75% to 2.0125% for employees, and from 2.5% to 2.875% for state policemen; further to provide for the removal of the 80% of final average compensation limit; to allow members of the Employees' Retirement System who retired prior to October 1, 1975 under Option 2 or Option 3 to elect to pass on to his beneficiary any benefits derived from the change in the formula by taking a reduction in his own allowance; also to provide a 15% cost of living increase to those members who were originally excluded from the provisions of Act No. 1070, 1973 Acts, as amended, and provides those members who were covered under said Act, herein repealed, such additional amounts necessary to maintain the present amount of their retirement allowances, if not otherwise maintained by the operation of this Act; also to provide necessary and proper appropriations.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1070 of the 1973 Acts of Alabama, H. 125, p. 1817, approved September 17, 1973, as amended and supplemented, is hereby expressly repealed.

Section 2. Section 460 of Title 55 of the Code of Alabama 1940, as amended, is hereby further amended to read as follows:

"§ 460. Benefits.—(1) Service retirement benefit.—(a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the board of control setting forth at what time, not less than thirty days not (nor) more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that any such member who became a member on or after October 1, 1963 shall have completed ten or more years of creditable service. Provided further that a member employed as a state policeman shall be eligible to file application for service retirement upon attaining age fifty-two. (b) Any member who has attained age sixty, or age fifty-two in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member shall have completed fifteen years of creditable service or shall have completed ten years of creditable service and shall have attained age fifty-five or fifty-two in case of a state policeman at the time of his withdrawal from service. (c) Any employee who attains age seventy shall be retired, or shall withdraw from service, forthwith, except that any employee may be continued in the state service from year to year on his application approved by the personnel board, if evidence of physical and mental fitness is furnished. It is further provided that any official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any officer or employee of the legislature who has attained age seventy shall not be compelled to retire at age seventy, but may continue in service until his retirement is ordered by the house of which he is an officer or employee; and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this chapter shall require the dismissal of any person seventy years old or over who fails to join the retirement system within the time specified in this chapter, if such person was in the employ of the state on June 1, 1945. (d) Notwithstanding the provisions of this section to the contrary, any law-enforcement employee in the department of conservation who has attained age sixty-five shall be retired forthwith. (e) Notwithstanding the provisions of this section to the contrary, any state policeman who has attained age sixty shall be retired forthwith; provided

that any state policeman who attains age sixty may be continued in the state service from year to year on application of said employee approved by the personnel board, if evidence of physical or mental fitness to carry out his duties is furnished. (2) Allowance for service retirement.—Upon retirement from service a member shall receive a service retirement allowance which shall consist of (a) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, except that in the case of a state policeman, who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, the annuity shall be equal to the annuity that would have been payable upon service retirement at age sixty had the member continued in service to said age sixty without change in compensation; and (b) a pension which shall be equal to the annuity allowance at age of retirement, but not to exceed an annuity allowable at age sixty-five, computed on the basis of contributions made prior to attainment of age sixty-five, except that in the case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six, but prior to age sixty, the pension shall be equal to the annuity that he would receive had he contributed to age sixty without change in compensation; and (c) if he had a prior service certificate in full force and effect, an additional pension shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder, except that in case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age sixty, but not to exceed an annuity allowable at age sixty by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. Notwithstanding the provisions of (a) (b) and (c) above a state policeman who has completed twenty years of service as a state policeman who retires after age fifty-two but prior to age fifty-six shall receive (a) an annuity which shall be equal to the annuity that would be payable had the member continued in service for four years without change in compensation; and (b) a pension which shall be equal to the annuity that he would receive had he contributed for four years without change in compensation; and (c) if he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity

allowable at age of retirement plus four years by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the board of control may use for the purpose of this chapter the compensation rate which, if it had progressed with the rates of salary increase shown in the tables as prescribed in section 461, subsection (14) of this title, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received. (d) The annual service retirement pension payable to a member not employed as a state policeman retiring on or later October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) two and one-eightieth (2.0125) per centum of the member's average final compensation multiplied by the numbered of years of his creditable service; or (ii) if he became a member before October 1, 1965, $72.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. The annual service retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which then added to his annuity is equal to the greater of the following two amounts: (iii) two and seven eights (2.875) per centum of the member's average final compensation multiplied by the number of years of his creditable service, or (iv) if he became a member before October 1, 1965, $86.40 multiplied by a number of years of his creditable service not in excess of 25 years; provided, however, that if such member has completed twenty years of creditable service as a state policeman and has not attained age sixty at time of retirement said pension shall be determined as hereinbefore provided on the basis of the number of years of creditable service which he would have had if he had remained in service for four years except that in the case of those state policeman retiring at age fifty-six or after not to exceed the number of years of creditable service which he would have had if he had remained in service to age sixty. Anything herein to the contrary notwithstanding, in the application of the foregoing provisions of this paragraph to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the foregoing benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman and the foregoing benefit rates applicable to a member not employed as a state policeman shall apply to all creditable service, but in all other respects the pension under this paragraph shall be determined on the basis of the member's employment classification at the time of his withdrawal from service. (e) The annual

service retirement pension payable to any state employee who had attained age 60 on or before October 1, 1945 who declined membership in the employees' retirement system of Alabama in the manner prescribed in section 458 of this title and who retires as a state employee after completing a minimum of fifteen years' service shall be $72.00 multiplied by the number of years of his service not in exceed of twenty-five years. (3) Disability retirement benefit.—(a) Upon application of a member in service, or of his employer, any member who has had ten or more years of creditable service who becomes disabled may be retired on a disability retirement allowance by the board of control not less than thirty nor more than ninety days next following the date of filing of such application, provided that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (b) Provided further that without regard to the number of years of creditable service a member employed as a state policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employer participating under the provisions of section 467 of this title, shall be retired on a disability retirement allowance, not less than thirty nor more than ninety days next following the date of filing of such application, provided that the medical board, after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (4) Allowance on disability retirement.—Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, *or if any law or part of any law pertaining to retirement under the Employees' Retirement System of Alabama provides for service retirement after the completion of thirty years of creditable service, without a reduction in the retirement allowance, and the member has completed thirty years of creditable service,* or, in the case of a state policeman, if he has attained age fifty-two; otherwise he shall receive a disability retirement allowance which shall consist of: (a) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and (b) a pension which shall be equal to the pension that would have been payable under paragraph (b) and (c) of subsection (2) of this section upon service retirement at age sixty-five had the member continued in service to said age without change in compensation, reduced by one fourth of one per centum for each month of retirement prior to age 60, to a maximum reduction of twenty-five per centum. The annual disability retirement pen-

sion payable to a member not employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the *greatest* of the following two amounts: (i) *two and one-eightieth (2.015)* per centum of the member's average final compensation multiplied by the number of years of creditable service, reduced by one fourth of one per centum for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of twenty-five per centum, or (ii) if he became a member before October 1, 1965, $54.00 multiplied by the number of years of his creditable service not in excess of 25 years, *(iii) or if any law or part of any law pertaining to retirement under the Employees' Retirement System of Alabama provides for service retirement after the completion of thirty years of creditable service, without a reduction in the retirement allowance, two and one-eightieth (2.0125) per centum of the member's average final compensation multiplied by the number of years of creditable service reduced by three (3) per centum for each year less than 30 years creditable service up to a maximum of twenty-five (25) per centum.* The annual disability retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: *(iv) two and five-thirty seconds (2.15625)* per centum of the member's average final compensation multiplied by the number of years of his creditable service; or (v) if he became a member before October 1, 1965, $64.80 multiplied by the number of years of his creditable service not in excess of twenty-five years. Anything herein to the contrary notwithstanding, in the application of the foregoing provisions of this paragraph to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the foregoing benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman and the foregoing benefit rates applicable to a member not employed as a state policeman shall apply to all other creditable service, but in all other respects the pension under this paragraph shall be determined on the basis of the member's employment classification at the time of his withdrawal from service. (5) Reexamination of beneficiaries retired on account of disability.—Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once every three-year period thereafter, the board of control may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician or physicians of or designated by the medical board. Should any disability beneficiary who has not yet attained age

sixty refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the board of control; provided that these requirements relative to the medical examination shall not apply in the case of a state policeman retired for disability and who has attained age fifty-two. Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity, exceeds the amount of his average final compensation. (6) Return of contributions. —(a) Should a member cease to be an employee except by death or by retirement under the provision of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service, and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) In case of the death of a member eligible for service retirement pursuant to subsection (1) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected Option 3, as set forth in subsection (7) of this section; or (c) In case of the death of a member not eligible for service retirement, after completion of twenty-five years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected Option 3, as set forth in subsection (7) of this section, or if the surviving spouse desires he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under Option 3 plus an amount equal to the accumulated contributions of the member not to exceed $5,000.-

00; or (d) Upon the death of a member on account of whom no survivor allowance is payable under (b) or (c) above the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed $5,000.00 shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the board of control. (7) Option allowances.—With the provision that the election of an option shall be effective on the effective date of retirement any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or Option 3. Upon his death, one half of his reduced allowance shall be continued throughout the life of and paid to such person as shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance, and shall be approved by the board of control. (8) Return to active service.—(a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty-two, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member of the retirement system, nor shall he make contributions except that should such beneficiary who has been restored to active service continue in service for a period of five or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership provided such beneficiary whose retirement allowance has been suspended repays to the system all moneys received by him as benefits during any periods subsequent to the date of his reentry into active service and provided further that he makes a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis together with the

interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty-two, he shall again become a member of the retirement system and shall make contributions. (9) (a) All retirement allowance payments due on or after October 1, 1975 to members who retired prior to said date shall be redetermined as if the provisions of this Section, as are in effect on October 1, 1975, were in effect at the time the member retired. Anything in this chapter to the contrary notwithstanding the annual retirement allowance of any member not employed as a state policeman who retired on or before January 1, 1956, shall not be less than $79.20 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of service retirement, or $59.40 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of disability retirement. Any increase provided in the retirement allowance payment under this subsection (9) for a member who retired under the provisions of any optional benefit elected pursuant to subsection (7) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection (9). *Notwithstanding, any member who retired prior to October 1, 1975 and who chose either Option 2 or Option 3 may elect to receive a reduced allowance and to stipulate that the actuarial equivalent of the increase in his retirement allowance, which became effective on said date, be ascribed to his designated beneficiary, provided such member clearly expresses this intention by filing a written application to said effect with the Secretary-Treasurer of the Employees' Retirement System of Alabama prior to October 1, 1976.* (b) Any person who, prior to October 1, 1963, was in receipt of a benefit pursuant to Act No. 376, approved November 6, 1959 (former sections 475(14) to 475(20) of this title), but was not a member of the system at the time of retirement, shall be entitled to receive an annual retirement allowance from the system, effective October 1, 1971, as follows: (i) if such person was retired on or before January 1, 1956, an amount equal to $79.20 multiplied by the number of years of creditable service not in excess of thirty years. (ii) If such person was retired after January 1, 1956, an amount equal to $72.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. (c) Prior to October 31, 1975 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with paragraph (a) or (b) of this subsection over the monthly allowance which he was receiving prior to October 1, 1975. The portion of each monthly

payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control."

Section 3. (1) Any pensioner, and, any retired member and any member who retires hereafter under the Employees' Retirement System of Alabama whose maximum retirement allowance is based on the minimum guarantee, and whose maximum retirement allowance, after taking into account the reduction of certain retirement allowances by the repeal of Act No. 1070 of the 1973 Acts, is not increased in the amount of fifteen (15%) per centum by the 15% formula increase of this Act, is hereby provided, on or after October 1, 1975, an increase in his maximum retirement allowance which shall be sufficient, to equal an increase in his maximum retirement allowance of fifteen (15%) per centum.

(2) The funds necessary to pay the increase in retirement allowances described in subsection (1) of this Section 3 to employees who participated in the Employees' Retirement System of Alabama under the provisions of Section 12 of Act No. 515 of the 1945 Regular Session of the Legislature as amended and supplemented, shall be provided by the employer participating under said Section 12 as described above.

Section 4. All laws or parts of laws in conflict with the provisions of this Act are expressly modified to the extent necessary to carry out the provisions of this Act.

Section 5. Appropriation. There is hereby appropriated annually, from the funds from which salaries are paid, the amounts sufficient to carry out the provisions of this Act.

In the case of those departments, supported wholly by transfers from other State funds, there is hereby appropriated from the supportive funds such additional amounts as may be necessary to pay the employer contribution of each department, so supported, in the same proportion as the other State funds contribute to the support and maintenance of such department.

Section 6. This Act shall become effective on the first day of the month following the month of its passage and approval by the Governor.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 136 S. 11—Baker, McDonald (S)

AN ACT

To repeal Act No. 1910, S. 1207, Regular Session 1971 (Acts 1971, p. 3099), entitled, "An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1910, S. 1207, Regular Session 1971 (Acts 1971, p. 3099), entitled, "An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 137 S. 13—Baker, McDonald (S)

AN ACT

Relating to DeKalb County; to provide that the members of the county governing body shall not enter into any contract or agreement with any commercial insurance company for an annuity contract, retirement income policy or group annuity contract to provide a retirement plan for any member or members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of DeKalb County shall not have any power or authority to enter into any contract with any commercial insurance company licensed to do business in this State or in any other state to obtain and maintain individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan for any member or members of the county governing body and if any member or members of the county governing body desire a retirement plan, then they shall become members of the State Employees' Retirement System as otherwise provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 138 S. 19—Waldrop

AN ACT

To provide for direct voting on candidates for President and Vice President of the United States; making further provisions respecting election and appointment of presidential electors, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The number of electors for President and Vice President of the United States to which this State is entitled shall be chosen as provided in this Act.

Section 2. When presidential electors are to be chosen the secretary of state of Alabama shall certify to the judges of probate of the several counties the names of all candidates for president and vice president who are nominated by any national convention or other like assembly of any political party, or by written petition signed by at least 5,000 qualified voters of this State.

The certificate of nomination by a political party convention must be signed by the presiding officer and secretary of the convention and by the chairman of the state executive or central committee of the political party making the nomination. Any nominating petition to be valid must contain the signatures as well as the addresses of the petitioners. Such certificates and petitions must be filed in the office of the secretary of state no later than the last day of August next preceding the day fixed for the election.

Each certificate of nomination and nominating petition must be accompanied by a list of the names and addresses of persons, who shall be qualified voters of this State, equal in number to the number of presidential electors to be chosen. Each person so listed shall execute the following statement which shall be attached to the certificate or petition when the same is filed with the secretary of state: "I do hereby consent and do hereby agree, to serve as elector for president and vice president of the United States if elected to that position and do hereby agree that, if so elected, I shall cast my ballot as such elector for ———————— for president and ———————— for vice president of the United States" (inserting in said blank spaces the respective names of the persons named as nominees for said respective offices in the certificate to which this statement is attached).

Section 3. The names of all candidates for president and vice president who are nominated as herein provided shall be printed on the official ballots under the emblem of their respective political parties as filed in the office of the secretary of

state of Alabama. The names of the electors of the candidates for president and vice president shall not be printed upon the ballots. A vote for a candidate for president or vice president shall be counted as a vote for the electors of the political party or independent body by which such candidates were named, as listed on the certificate of nomination or nominating petition.

Section 4. The provisions of Sections 65, 66, 75, 145, 153, 222, and 223 of Title 17, Code of Alabama, which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 139 S. 32—Torbert, Little

AN ACT

To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of acquiring, enlarging, expanding, owning, operating, leasing and disposing of properties to the end that such corporation may be able to promote public interests and participation in sports, athletics, and recreational activities and to provide and improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation, picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and buildings, facilities and improvements for the accomodation of visitors to such public parks, including but without limitation, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gift, and souvenir shops, boat service and storage facilities, and launderettes, provided, however, that such corporations shall not be authorized to operate as a commercial enterprise any such shops, boat service and storage facilities, stores, motels or restaurants; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporation; to provide for the issuance by any such corporation for any of its corporate purposes

interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to provide that any such bonds or securities shall constitute negotiable instruments; to provide that such bonds or securities may be secured by a pledge of such revenues and receipts and by a foreclosable mortgage on such properties; to authorize the refunding of any such bonds or securities; to provide for remedies in the event of default in such bonds or securities; to provide that such counties shall not be liable for any obligation or agreement of such corporations; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases, mortgages and deeds of trust to which such corporation is a party; to provide for the filing of certificates of incorporations, deeds, mortgages and certificates of dissolution without payment of tax; to provide that the corporation may in its discretion publish a notice of the adoption of a resolution authorizing the issuance of bonds of the corporation, and to provide that any action or proceeding questioning the validity of such bonds or the pledge and mortgage to secure the same or the proceedings authorizing the same must be commenced within twenty days after the first publication of said notice; to provide the procedure for dissolution of any such corporation and the vesting of title to its property; to provide for interim financing; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof; to provide for severability; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the Legislature by the passage of this act to promote the public health and general welfare by authorizing the incorporation in the several counties in this State of public corporations to acquire, enlarge, improve, expand, own, operate, lease and dispose of properties to the end that such corporations may be able to promote public interest and participation in sports, athletics and recreational activities and to provide or improve public parks in this State, including all buildings, facilities and improvements incident thereto or useful in connection therewith. It is the further intent of the Legislature by the passage of this act to vest such public corporations with all powers that may be necessary to enable them to accomplish such purposes. This act shall be liberally construed in conformity with the said intention.

Section 2. Whenever used in this act unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

"Corporation" shall mean any corporation organized pursuant to the provisions of this act.

"County" means any county in this state with respect to which a corporation may be organized.

"Governing body" means the board or body in which the legislative powers of the county are vested.

"Mortgage" means a mortgage or a mortgage and deed of trust.

"Project" means any land or any interest therein, including forests, rivers, streams, waterways, and lakes, and any buildings or other improvements thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for a public park, and all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, exhibition areas, comfort stations, athletic fields, golf courses, tennis and badminton courts, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, club houses, boats, rides, amusement facilities, boating facilities, areas and facilities for fishing and hunting, areas and facilities for acquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and public accommodation facilities as hereinafter defined.

"Public accommodation facilities" means buildings, facilities and improvements for the accommodation of visitors to any such public park, including without limitation of the foregoing, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gift and souvenir shops, boat service and storage facilities, and launderettes; provided, however, that nothing contained in this act is intended to authorize any such corporation itself to operate as a commercial enterprise any such shops, boat service and storage facilities, stores, motels, or restaurants.

Section 3. Whenever any number of natural persons, not less than three, shall file with the governing body of any county of this State an application in writing for authority to incorporate in such county a public corporation under the provisions of this act, and shall set forth in said application a brief description of the project to be acquired or improved by such corporation, and if it shall be made to appear to such governing body that each of said persons is a duly qualified elector of and owner of property in said county and if the governing body of said county shall adopt a resolution which shall be duly entered upon the minutes of such governing body wherein it shall be found and determined that there is a public need for the proposed project, and that it is wise, expedient, necessary or advisable that such a corporation be formed, and that the persons filing said application shall be authorized to proceed to form such corporation, then said persons shall proceed to organize

such corporation by executing, acknowledging and filing a certificate of incorporation as herein provided. No corporation shall be formed hereunder unless the application provided for herein shall be made and unless the resolution provided for herein shall be adopted; provided, the inadequacy of the description of the proposed project in the application for incorporation shall not affect the validity of the incorporation of such corporation. The granting of authority for the incorporation of one public corporation under this act shall not preclude the granting of authority by the governing body of the same county for the incorporation of other public corporations hereunder; provided that such other public corporations shall be required to adopt a name or designation sufficient to distinguish them from any public corporation theretofore incorporated by such county under this act.

Section 4. The certificate of incorporation of any corporation organized under this act shall set forth (a) the names of the applicants, together with a recital that each of them is an elector of and taxpayer in the county; (b) the name of the corporation, which shall be The Public Park and Recreation Board of ———————— County [the blank space to be filed in with the name of the county], if such name shall be available for use by the corporation and if not available, or if the incorporators desire some other name, then the incorporators shall designate some other similar name that is available; (c) a recital that permission to organize the corporation has been granted by a resolution duly adopted by the governing body of the county and the date of the adoption of such resolution; (d) the location of the principal office of the corporation [which shall be in the county]; (e) the purposes for which the corporation is proposed to be organized, which purposes shall be those set forth in the application for authority to incorporate; (f) the number of directors of the corporation (which shall be not less than three); (g) the period for the duration of the corporation [if the duration is perpetual, the fact should be stated]; and (h) any other matter which the applicants may choose to insert therein which shall not be inconsistent with this act or with the laws of the State of Alabama. The certificate of incorporation shall be subscribed and acknowledged by each of the applicants before an officer authorized by the laws of Alabama to take acknowledgments to deeds.

Section 5. When executed and acknowledged in conformity with the preceding section, the certificate of incorporation shall be filed with the Judge of Probate of the county. The Judge of Probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of the preceding section have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in exis-

tence in this state as to lead to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office. When such certificate has been so made, filed and approved, the applicants shall constitute a public corporation under the name set out in the certificate of incorporation.

Section 6. If any corporation formed under this act has accidentally or inadvertently failed to comply with the requirements hereof in its organization, such omission or defect may be corrected by filing an amendment as provided in this section. The certificate of incorporation of any corporation formed under this act may also at any time and from time to time be amended so as to make any changes therein and add any provisions thereto which might have been included in the certificate of incorporation in the first instance. Any amendment shall be effected in the following manner: The members of the Board of Directors of the corporation shall file with the governing body of the county an application in writing seeking permission to amend the certificate of incorporation specifying in such application the amendment proposed to be made. Such governing body shall consider such application and, if it shall by appropriate resolution duly find and determine that it is wise, expedient, necessary and advisable that the proposed amendment be made, and if an additional project or projects are proposed, that there is a public need therefor, and shall approve the form of the proposed amendment and shall authorize the amendment to be made, then the persons making such application shall execute an instrument embodying the amendment specified in such application, and shall file the same with the Judge of Probate of the county. The proposed amendment shall be subscribed and acknowledged by each member of the Board of Directors before an officer authorized by the laws of Alabama to take acknowledgments to deeds. Such Judge of Probate shall thereupon examine the proposed amendment and, if he finds that the requirements of this section have been complied with and the proposed amendment is within the scope of what might be included in an original certificate of incorporation, he shall approve the amendment and record it in an appropriate book in his office. When such amendment has been so made, filed and approved, it shall thereupon become effective and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation shall be amended except in the manner provided in this section.

Section 7. The corporation shall have a board of directors in which all powers of the corporation shall be vested and which shall consist of any number of directors, not less than three, all of whom shall be duly qualified electors of and taxpayers in the county. The directors shall serve as such without compensation except that they shall be reimbursed for their

actual expenses incurred in and about the performance of their duties hereunder. No director shall be an officer or employee of the county. The directors shall be elected by the governing body of the county, and they shall be so elected that they shall hold office for staggered terms. At the time of the election of the first board of directors, the governing body of the county shall divide the directors into three groups containing as near equal whole numbers as may be possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, the first term of the directors included in the third group shall be six years, and thereafter the terms of all directors shall be six years; provided that, if at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. Any meeting held by the board of directors for any purpose whatsoever shall be open to the public.

Section 8. The corporation shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated: (1) to have succession by its corporate name for the period specified in the certificate of incorporation unless sooner dissolved as hereinafter provided; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (3) to have and to use a corporate seal and to alter the same at pleasure; (4) to acquire, whether by purchase, construction, exchange, gift, lease or otherwise, to improve, maintain, equip, furnish, own and operate one or more projects, including all real and personal properties which the board of directors of the corporation may deem necessary in connection therewith and regardless of whether or not any such projects or any part thereof shall then be in existence; (5) to fix, prescribe and collect rates, fees, tolls, charges or rentals for the use of any of its facilities and for services, facilities and accommodations furnished by it or any of its facilities; (6) to adopt and enforce rules and regulations relative to the use or occupancy of any of its facilities or services; (7) to promote, sponsor and operate tournaments, shows, exhibitions, exhibits, athletic events, and educational, cultural, recreational, amusement and other activities; (8) to sell, exchange, and convey, to contract to sell, exchange and convey and to grant options to acquire any or all of its properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the corporation was organized, (9) to lease to others for a period not to exceed forty years any or all of its projects or any part thereof, including public accommodation facilities and to charge and collect rent therefor and to terminate any such lease upon the

failure of the lessee to comply with any of the obligations thereof; (10) to grant privileges, licenses, concessions or permits for the operation of any of its public accommodation facilities; (11) to lease land to others for a period not to exceed forty years, or to grant to others privileges, licenses or permits for the use of land for the construction and operation of public accommodation facilities and to authorize such lessees or grantees to mortgage their interest, rights and properties to finance the construction, enlargement and improvement of such public accommodation facilities; (12) to issue its bonds for the purpose of carrying out any of its powers; (13) as security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof; (14) to assume obligations secured by a lien on, or payable out of or secured by a pledge of, the revenues and receipts from any or all of its projects, or any part thereof that may be acquired, and obligation so assumed to be payable solely out of the revenues and receipts from any or all of its projects, or part thereof; (15) to appoint, employ, contract with, and provide for the compensation of such officers, employees and agents, including but without limitation engineers, attorneys, architects, construction contractors, management consultants, and fiscal advisers, as its business may require; (16) to provide for such insurance as the board of directors may deem advisable; (17) to cooperate with the United States of America, any agency or instrumentality thereof, the state, any municipality, county, public corporation or other public entity in the state, any person, or any combination of any of the foregoing; (18) to enter into a management agreement or agreements with any person or corporation for the management of any or all of its projects or part thereof; and (19) to accept gifts, grants, bequests and devises. Any project or projects of the corporation may be located within or partially within and partially without the county, subject to the following conditions: (a) no part of a project shall be located more than thirty miles outside the boundaries of the county; (b) in no event shall any project or part thereof be located within the corporate limits of a municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such project or part thereof in such municipality; and (c) no such project or part thereof shall be located in a county other than the county which authorized the formation of the corporation unless the governing body of such other county has first adopted a resolution consenting to the location of such project or part thereof of such county.

Section 9. All bonds issued by the corporation shall be payable solely out of the revenues and receipts derived from the

operation, leasing or sale by the corporation of its projects or of any thereof as may be designated in the proceedings of the board of directors under which the bonds shall be authorized to be issued. Such bonds may be executed and delivered by the corporation at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable at such time or times not exceeding forty years from the date thereof, may be payable at such place or places whether within or without the State of Alabama, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the corporation and in such manner and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the board of directors whereunder the bonds shall be authorized to be issued. If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the corporation are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of the bonds, but nothing herein contained shall be construed to confer on the corporation any right to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the corporation may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the corporation to be most advantageous, and the corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the corporation of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue. Any bonds of the corporation at any time outstanding may at any time and from time to time be refunded by the corporation by the issuance of its refunding bonds in such amount as the board of directors may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums, commissions and expenses necessary to be paid in connection with such refunding. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the

refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, and regardless of whether or not the bonds to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise. All such bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

Section 10. The principle of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of fees, rates, tolls and charges for the services, facilities and accommodations furnished by the corporation and of the rents for any portion thereof leased by the corporation to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and which are not in conflict with the provisions hereof. Each pledge, agreement, mortgage or deed of trust made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the corporation made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security therefor, such payment or agreement may be enforced by mandamus, the appointment of a receiver in equity, or by foreclosure of any such mortgage or deed of trust, or any one or more of said remedies.

Section 11. Upon the adoption by the board of directors of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published in the county a notice in substantially the following form [the blanks being properly filled in] at the end of which shall be printed the name and title of either the chairman or secretary of the corporation:

"....., a public corporation under the laws of the State of Alabama, on the day of, authorized the issuance of $..... principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and mortgage or deed of trust to secure the same, or the proceedings authorizing the same, must be commenced within twenty days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of the pledge and mortgage or deed of trust made therefor, must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds, or the said pledge or mortgage or deed of trust shall be asserted, nor shall the validity of the said proceedings or of the said bonds, or the said pledge or mortgage or deed of trust, be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 12. The corporation may, in addition to the other powers granted in this act, borrow money for temporary use for any of its corporate purposes and in evidence of such borrowing issue from time to time revenue bonds or notes maturing not later than eighteen months from the date of issuance. Any such temporary borrowing may be made in anticipation of the sale and issuance of long term bonds, and in such event the principal proceeds from the sale of such long term bonds shall, to the extent necessary, be used for payment of the principal of and the interest on the temporary bonds or notes issued in anticipation of the sale and issuance of such long term bonds. Any such temporary borrowing may also be made with respect to a project simultaneously with or after the sale and issuance of long-term bonds issued with respect to such project if, under the terms of the proceedings under which such long-term bonds are issued, the proceeds therefrom or any part thereof may not be used or released until completion of the project with respect to which issued or other similar contingency. In such case, the principal proceeds from the long-term bonds shall, when released and to the extent necessary, be applied for payment of the principal of and the interest on such temporary bonds or notes.

Section 13. The corporation, the property and income of the corporation, all bonds issued by the corporation, the income from such bonds, conveyances by or to the corporation, and leases, mortgages, and deeds of trust by or to the corporation

shall be exempt from all taxation in the State of Alabama. No sales, use, license or excise tax may be imposed on any corporation in respect of the privilege of engaging in any of the activities authorized by this act.

Section 14. The county shall not in any event be liable for the payment of the principal of or interest on any bonds of the corporation, or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the corporation, and none of the bonds of the corporation or any of its agreements or obligations shall be construed to constitute an indebtedness of the county within the meaning of any constitutional or statutory provisions whatsoever.

Section 15. The corporation shall be a non-profit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors of the corporation shall determine that sufficient provision has been made for the full payment of expenses, bonds and other obligations of the corporation, then any net earnings of the corporation thereafter accruing shall, at the option of the board of directors, be used to pay the cost of extensions and improvements to any of its projects or paid to the county with respect to which the corporation was organized.

Section 16. Whenever the board of directors of the corporation shall by resolution determine that the purposes for which the corporation was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the corporation have been fully paid, the then members of the board of directors of the corporation shall thereupon execute and file for record in the office of the Judge of Probate of the county in which the corporation is organized, a certificate of dissolution reciting such facts and declaring the corporation to be dissolved. Such certificate of dissolution shall be executed under the corporate seal of the corporation. Upon the filing of such certificate of dissolution the corporation shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the county, and possession of such funds and properties shall forthwith be delivered to such county.

Section 17. The certificate of incorporation of the corporation or any amendment thereof, any deeds or other documents whereby properties are conveyed over to the corporation, any mortgages or deeds of trust or leases executed by the corporation, and the certificate of dissolution of the corporation may all be filed for record in the office of the Judge of Probate of the county in which the corporation is organized without the

payment of any tax or fees other than such fees as may be authorized by law for recording of such instruments.

Section 18. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which the corporation might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the organization of the corporation or the issuance of any bonds or any instrument as security therefor, except as is herein provided, any other law to the contrary notwithstanding; provided, that nothing herein shall be construed to deprive the state and its governmental subdivisions of their respective police powers over any properties of the corporation, or to impair any power thereover of any official or agency of the state and its governmental subdivisions which may be otherwise provided by law.

Section 19. Any public corporation organized pursuant to the provisions of any other law of this State may, either with or without the payment of pecuniary consideration, transfer, assign or convey all or any part of its assets, including, but without limitation, land, interests in land, improvements, buildings, structures, roads, utility facilities, cash, and any facilities which would be a part of a project, to any corporation organized pursuant to the provisions of this act, and any corporation so organized under the provisions of this act is authorized to assume any obligation or indebtedness of any such other public corporation making such a conveyance, transfer or assignment, provided such indebtedness is payable solely out of the revenues and income of a project or of the facilities and assets so transferred, assigned or conveyed.

Section 20. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself unconstitutional.

Section 21. This act shall become effective upon its passage and approval by the governor or upon tis otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 140 S. 40—Bank, Mims, Shelby

AN ACT

Further amending the Code of Alabama 1940, Title 22, Section 204(42)(b) and 204(46), relating to Hospital Licensure, further defining the term "hospitals" and providing for an increase in licensure fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 22, Article 6, Section 204(42)(b), be amended to read as follows:

"Section 204(42)(b). "Definitions". As used in this article the term "hospitals" shall mean sanitoria (Sanatoria), rest homes, nursing homes and other related institutions when such institution is primarily engaged in offering to the public generally facilities for the diagnosis and treatment of injury, deformity, disease or obstetrical care. The term hospital is further expanded to include independent clinical laboratories, health maintenance organizations, domiciliary institutions, homes for the aged, intermediate institutions, and related health care institutions when such institution is primarily engaged in offering room, board, laundry and personal services beyond these basic in-living facilities and incidentals thereto. The word "person" includes individuals, partnerships, corporations and associations."

Section 2. Code of Alabama 1940, Title 22, Section 204(46), be amended to read as follows:

"Section 204(46). Fees; forms of license; licensing period; transfer; posting. The application for a license to operate a hospital shall be accompanied by a standard fee of sixty dollars ($60), plus a fee of one dollar ($1) per bed for each bed to be licensed in accordance with regulations promulgated under Section 204(49). Increase in a hospital's bed capacity during the calendar year is assessed at the standard fee of sixty dollars ($60) plus one dollar ($1) each for the net gain in beds. No fee shall be refunded. All fees received by the State Board of Health under the provision of this article shall be paid into the State Treasury to the credit of the State Board of Health and shall be used for carrying out the provisions of this article. All licenses issued under this article shall expire on the thirty-first (31st) day of December of the year in which it was issued. Furthermore, all licenses shall be on a form prescribed by said department, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises and may be renewed from year to year upon application, investigation and payment of the required license fee, as in the case of procurement of the original license. All fees collected under this act are hereby appropriated."

Section 3. Code of Alabama 1940, Title 22, Section 204(51), be amended to read as follows:

"Section 204(51). Disclosure of information received by State Board of Health. Information received by the State Board of Health through on-site inspections conducted by the state

licensing agency is subject to public disclosure and may be disclosed upon written request. Information received through means other than inspection will be treated as confidential and shall not be directed publicly except in a proceeding involving the question of licensure or revocation of license.

Section 4. The provisions of this Act are severable. If any part is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 5. This Act is intended to relate entirely to the operation and conduct of hospitals as herein defined and is not intended to have effect on any other laws except to the extent in conflict with the positive provisions hereof.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 141 S.J.R. 37—Owen

SENATE JOINT RESOLUTION

CALLING ON THE FINANCE DIRECTOR TO WORK WITH THE JOINT SELECT COMMITTEE ON STATE CAPITOL BUILDING OFFICE SPACE FOR THE PURPOSE OF SECURING AND ALLOCATING ADDITIONAL SPACE FOR THE USE OF THE LEGISLATURE AND ITS SERVICE ORGANIZATIONS.

WHEREAS, there is and has been for many years an acute shortage of legislative and legislative service organization office space in the Capitol building; and

WHEREAS, it is most feasible that such space be located within the Capitol building so as to be in near proximity to the legislative chambers; and

WHEREAS, several state offices are currently located in the Capitol which could operate efficiently out of other buildings in the Capitol complex; and

WHEREAS, at the organizational session of this legislature in January, a joint select committee on Capitol Building office space for the legislature and its service organizations was established; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That said committee invite the Finance Director of the state to attend all meetings of said committee and advise said committee as the need arises and work with said committee in securing and allocating additional office space for the legislature and its service organizations.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 142 S.J.R. 44—Jones

SENATE JOINT RESOLUTION

CONGRATULATING JOHN S. BOWMAN ON BEING UNANIMOUSLY ELECTED AS PRESIDENT OF THE MONTGOMERY CHAPTER OF THE UNIVERSITY OF ALABAMA ALUMNI ASSOCIATION.

WHEREAS, the Honorable John S. Bowman, one of the outstanding attorneys of the Montgomery Bar, was elevated to the position of President of the Montgomery County Chapter of the University of Alabama Alumni Association by the unanimous acclamation of his fellow alumni; and

WHEREAS, this is an honor well deserved, Mr. Bowman having received his B.S. degree in 1958 and his L.L.B. in 1960 from the University of Alabama and while there he was a member of Omicron Delta Kappa, an honorary fraternity, was selected to be included in Who's Who Among Students In American Colleges and Universities and was a leader in his social fraternity; and

WHEREAS, while practicing law in Montgomery, Alabama, where he is a member of the Montgomery County, the Alabama and the American Bar Association, he was elected Vice-President of the Montgomery Jaycees, was chosen as a member of the Board of Directors of the Family Guidance Center, is a member of the official board of the First United Methodist Church of Montgomery, is a YMCA football commissioner and has given generously of his time and service to many civic endeavors and projects of his native city and county; and

WHEREAS, Mr. Bowman is married to the former Carolyn Lawley of Tuscaloosa and they have two fine children, viz: John, Jr. and Mildred Lawley; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

they do heartily congratulate Mr. John S. Bowman on his elevation to the Presidency of the Montgomery County Chapter of the University of Alabama Alumni Association and to commend him for his many services to his fellowman.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Bowman and to the University of Alabama "Alumni News".

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 143 S. 54—Owen, Foshee, Fine

AN ACT

To amend Section 27 of Act No. 987, Acts of Alabama, Regular Session 1969, Vol. II, p. 1744, which act provided for the clerk of the Supreme Court to be clerk of the Court of Civil Appeals, and provided for secretaries to judges of the Court of Civil Appeals and their salaries, so as to authorize a clerk for the Court of Civil Appeals and provide for his salary and removal and to provide additional clerical help as may be needed; and to provide secretaries for the judges of the Court of Civil Appeals and for their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1: Section 27 of Act 987 of the Regular Session of the State Legislature 1969, Acts of Alabama 1969, Vol. II, p. 1744, is amended to read as follows:

"Section 27: The judges of the court of civil appeals are authorized to appoint and employ a clerk. The clerk so appointed by the court may be removed at any time for cause to be determined by the court and entered at length on its record. The salary of the clerk shall be fixed under the provisions of the merit system in the top pay range of the highest classification of attorneys in the classified service; and said salary shall be payable out of the state treasury as the salaries of other state officials are paid. The clerk is authorized to appoint and employ such additional help as may be required by him to adequately operate the office of clerk. Each judge of the court of civil appeals is hereby authorized to appoint and employ a confidential secretary who shall serve at the pleasure of the judge and shall be subject to the Merit System Act only as to pay plan; and the salaries of all the employees of the courts of appeals shall be paid as the salaries of other state employees are paid."

Section 2: This act shall become effective immediately upon the passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 144 S. 58—Perloff, Mims, Adams, Wilson, Noonan, Jones, Perry, Owen, Pearson, Vacca, Mitchell, Powell, Gilmore, Littleton, Flippo, Torbert, McDonald (S), Foshee, Baker, King, Ellis, Bank, Roberts, Shelby, McDonald (A), McMillan, Weaver, Fine

AN ACT

To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Owners of motor vehicles who are residents of Alabama upon application **to the Probate Judge or Commissioner of Licenses,** complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags, as provided by law for private passenger or pleasure motor vehicles, and the payment of an additional fee of $50.00 shall be issued license plates upon which in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other marks, emblems, symbols, or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the applicant by the state department of revenue.

Section 2. The state department of revenue shall make such rules and regulations as necessary to insure compliance with all state license laws relating to use and operation of a private passenger or pleasure motor vehicle which must be complied with before these tags in lieu of the regular Alabama license plates may be obtained, and such rules and regulations as necessary to provide for the application for and issuance of such special tags.

Section 3. The state department of revenue shall, on or before the first day of January of each year, furnish to the sheriff of each county of the State of Alabama an alphabetically arranged list of the names, addresses and license tag letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige or combination thereof, of each person to whom a license tag is issued under the provisions of this act, and it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.

Section 4. No two owners will be issued identical plates for the same year. An owner who has procured special personalized prestige tags shall be entitled to have a plate issued for succeeding years bearing the same inscription, provided that he applies therefor within the time prescribed by the commissioner of revenue and pays the fee above prescribed. However, should the holder of a personalized plate fail within the prescribed time to apply for renewal thereof, then a plate of such design may in subsequent years be issued to any other person applying therefor.

Section 5. Any other provision of law to the contrary notwithstanding, when an automobile for which a personalized plate has been issued is sold or otherwise disposed of, the seller must remove the personalized plate from such automobile, and he then may transfer said personalized plate to a newly acquired automobile of the same class upon payment of the regular transfer fee and all other regular fees and taxes due upon the newly acquired automobile; provided, further that any automobile from which a personalized plate has been transferred or removed by a former owner shall be registered and licensed by its new owner for operation on the public roads in the same manner as any unlicensed vehicle, except that no ad valorem tax shall be due on such automobile if same was paid for the current year by the former owner.

Section 6. It shall be unlawful for any person to operate a motor vehicle bearing a personalized license plate not issued for or duly transferred to such vehicle. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than 50.00 and not exceeding 200.00 for each offense.

Section 7. The proceeds of any fees collected hereunder is hereby appropriated for each fiscal year to the Board of Corrections and may be used to pay salaries and other expenses of the department. Provided, however, the expenditure of the funds so appropriated shall be budgeted and allotted pursuant to Title 55, Article 3, Chapter 4 of the Code of Alabama, 1940, and limited to the amount appropriated.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall take effect on the first day of the month next following the approval of a constitutional amendment authorizing the use of revenues derived from the

sale of personalized motor vehicle license tags or plates for non-highway purposes.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 145 S. 64—Pearson, Ellis, Vacca, McMillan, Little, Adams, Mims, Clemon

AN ACT

To provide for a summary distribution of estates of certain decedents when such estates are comprised of personal property only and the value thereof is $3,000 or less; to provide for the transfer by affidavit, without administration of the properties of the estates of such decedents.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This act shall be known as the "Alabama Small Estates Act," cited hereinafter as the "Act."

Section 2. Definitions and Use of Terms. As used in this act, unless otherwise apparent from the context:

(1) "Distributees" means the persons who are entitled to the personal property of a decedent under the terms of a testamentary disposition or under the Alabama descent and distribution statutes.

(2) "Devisees" means the persons who are entitled to the personal property of a decedent under the terms of a testamentary disposition.

(3) "Heirs" means the persons who are entitled to the personal property of a decedent under the Alabama descent and distribution statutes.

(4) "Estate" means all the personal property of a decedent who owns no real property at the time of his death.

(5) "Personal representative" includes executor, administrator, administrator with the will annexed, and special administrator.

(6) "Person" includes natural persons and corporations.

Section 3. When Surviving Spouse or Distributees Entitled to Personal Property Without Administration; Transfer by Affidavit. The surviving spouse, if there be one, otherwise the distributees of an estate of personal property only may initiate a proceeding for summary distribution of the estate by filing a petition as hereinafter provided in the probate judge's office of the county in which the decedent was domiciled at death.

The petition shall include a description of the estate of the decedent and the judge of probate or his duly authorized clerk shall take actual possession of any liquid or negotiable assets and constructive possession of all other personal property of the decedent. The surviving spouse or distributee shall have a defeasible right to the personal property of the decedent without awaiting the appointment of a personal representative or the probate of a will if all of the following conditions exist:

(1) The value of the entire estate does not exceed $3,000;

(2) The decedent died a resident of this state;

(3) No petition for the appointment of a personal representative is pending or has been granted;

(4) At least 45 days have elapsed since the filing of a petition for summary distribution under this act and at least 21 days have elapsed since the first notice thereof was published as hereinafter provided;

(5) All funeral expenses of the decedent have been paid; or alternatively, that arrangements for the payment out of the estate of the decedent of all unpaid funeral expenses have been made by the surviving spouse or other distributee;

(6) If the decedent died intestate, the awards due under Alabama descent and distribution statutes to the surviving spouse and to the child or children have been determined by the probate judge; and a certified copy of such determination has been transmitted to the surviving spouse and the child or children;

(7) If the decedent died testate, a document purporting to be his will, which on its face, is properly executed, witnessed and attested in compliance with Alabama law, has been duly filed in the probate judge's office;

(8) Notice of the filing of a petition for a summary distribution under this act must be published once a week for three successive weeks in a newspaper of general circulation in the county in which the decedent was domiciled, or if there is no newspaper of general circulation in such county, then notice thereof must be posted at the county courthouse for three weeks;

(9) All claims against the decedent's estate have been paid or arrangements for the payment out of the estate of the decedent have been made by the surviving spouse or other distributee according to the following priority:

(a) First, to each person entitled to payment for any funeral expenses owed by the decedent or his estate, then

(b) To the judge of probate for fees and charges incurred in the proceedings for summary distribution, then

(c) To any person entitled to payment for expenses incurred in the decedent's last illness, then

(d) To the State of Alabama, the county and any municipality therein for taxes assessed on the estate of the decedent previous to his death, then

(e) To each secured creditor under Alabama's Uniform Commercial Code, Article 9, then

(f) To each unsecured lien holder, then

(g) To each remaining general unsecured creditor of the decedent, then

(h) To each surviving spouse, child or other distributee, who is entitled to take under Alabama's descent and distribution laws, or, alternatively, to each devisee entitled to take under any testamentary disposition of the decedent.

Section 4. When all of the above applicable conditions concur the judge of probate shall enter an order directing a summary distribution of the estate; and he shall thereupon deliver such liquid or negotiable assets of the estate as have come into his possession and shall release his constructive possession of the other peronal property of the decedent to the surviving spouse or distributee entitled to the defeasible interest in the property.

Section 5. Upon delivering a copy of the judge's order for summary distribution or an affidavit executed by any person having knowledge of the fact and alleging the concurrence of the above listed conditions showing the defeasible right therein, together with a copy of the decedent's will if the claim is under such will, such spouse or distributee shall be entitled to have the decedent's property or the evidence of the decedent's ownership in such property transferred to him by any person owing any money to the decedent's estate, having custody of any personal property of the decedent, or acting as a registrar or transfer agent of any evidence of interest, indebtedness, property or right of the deceased therein.

Section 6. The defeasible right of the surviving spouse or distributees provided for by this act shall be subject only to any pre-existing rights to administer the estate or probate the will, or to the superior rights of any other person to such personal property.

Section 7. Effect of Transfer by Affidavit. The person making payment, delivery, transfer or issuance of personal property or evidence thereof pursuant to the affidavit pre-

scribed in Section 5 above shall be discharged and released to the same extent as if made to a personal representative of the decedent, and he shall not be required to see the application thereof or to inquire into the truth of any statement in the affidavit if made by any other person. If any person to whom such affidavit is delivered refuses to pay, deliver, transfer, or issue any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled in an action brought for such purpose by or on behalf of the person entitled thereto under Sections 1 and 4, above, upon proof of the defeasible right declared by such section. Any person to whom payment, delivery, transfer or issuance is made shall be answerable and accountable therefor to any personal representative of the estate or to the surviving spouse or minor children of the decedent who shall proceed against such person, or to any other person having a superior right to the decedent's estate.

Section 8. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Repealer. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 146 S. 75—Littleton

AN ACT

To appropriate $5,000 from the state general fund to the Chilton County Peach Festival Committee.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of $5,000 from the state general fund in the State Treasury to the Chilton County Peach Festival Committee.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 147 H. 25—White, Morris, Teague, Carter, Trammell, Biddle, Gafford, Andrews, Kinsey, Coburn, Falkenburg, Owens, Clark, Sasser, Crawford, Cates, Moore (O), Crowe, Smith (C), Holley, Baker, Quarles, Carothers, Smith (B), Kelley, Brindley, Weeks, Dial, Campbell, Burgess, Armstrong, Lutz, Pegues, Manley, Drake, Rich, Roberts, Whatley, Jolly, Waggoner, McNees, Hall, Leonard, Hilliard, Martin, Callahan, Smith (M), McNair

AN ACT

To amend Act No. 205, S. 134 of the Special Session of 1966 (now appearing in Chapter 12 of Title 46, Code of Alabama), said Act providing for the establishment of the State Board of Pharmacy and licensure, regulation and management of pharmacies and pharmacists, amending such law in relation to pharmacy internship requirements in order to bring such requirements in line with standards of the National Association of Boards of Pharmacy, to set reciprocity fees, and to establish rules for examination requiring additional preparation in event of repeated failure and to limit number of additional examinations allowed.

Be It Enacted by the Legislature of Alabama:

Section 11. Application for License: Qualifications of Applicants; Examination of Applicants; License by Reciprocity. Every person who desires to practice pharmacy within this State shall file with the Secretary of the Board his written application for licensure upon forms furnished by the Board not less than ten (10) days prior to his examination. The application must be accompanied by an examination and registration fee for residents and non-residents of this State, said fees to be set by the Board not to exceed $15.00 plus actual cost of exam. The application shall be accompanied by two (2) recent photographs of the applicant, no larger than 2½ x 3¼ inches and certified on the back of each photograph by a Notary Public. The applicant must furnish satisfactory proof that he is twenty-one (21) years of age, of good moral character, and that he holds a professional degree from a division, school, college or a university department of pharmacy recognized by the State Board of Pharmacy. The applicant must have completed an approved practical training program under the supervision of a licensed pharmacist in a pharmacy recognized by the Board as qualified for training pharmacy externs and interns, such training standards to be established by the Board as long as the standards are not less than those set by the National Association of Boards of Pharmacy. The completion of the practical training requirements must be attested by affidavit from the supervising licensed pharmacist under whom the

training is served. The applicant must pass an examination administered by the Board in subjects consistent with those required by the National Association of Boards of Pharmacy and in accordance with the rules and regulations of the Board. In case of failure of a first examination, the applicant shall have within three years privilege of a second and third examination. In case of failure in the third examination the applicant shall be eligible for only one additional examination and this only after he has satisfactorily completed additional preparation as directed and approved by the Board. An applicant may be admitted to the examination in theoretical subjects only if all of the foregoing requirements are met other than the requirement of practical pharmacy training. An applicant may be admitted to the examination in practical pharmacy provided all of the foregoing requirements are met and in addition that affidavits attesting to the prescribed practical training program have been presented to the Secretary prior to the examination. An application for examination by the Board may be denied if the applicant is proven to have been involved in any violation of the Pharmacy Act. Any applicant who has been expelled from an examination for cribbing, cheating or other dishonest conduct, shall not be permitted to complete the examination applied for and shall not be permitted to file a new application for examination during the balance of the same calendar year or the calendar year next following such expulsion. The Board may issue a license without examination to an applicant who furnishes satisfactory proof that he has been licensed to practice pharmacy by examination in another State that under like conditions grants reciprocal licensure without examination to pharmacists duly licensed by examination in this State; that he is a person of good moral character and temperate habits; and provided that the requirements in the State from which the applicant is reciprocating were no less than the requirements of the National Association of Boards of Pharmacy. The application must be accompanied by a fee set by the Board. Each applicant for licensure by reciprocity shall be personally interviewed by two or more members of the Board before being granted a license, and such applicant must pass a written examination on the laws governing the practice of pharmacy in this State. The applicant shall be approved for reciprocity by the Board prior to the time that he begins the duties of a licensed pharmacist in this State. No applicant shall be granted reciprocal licensure unless all evidence and supporting documents of licensure in the State from which the applicant is reciprocating are approved as meeting the requirements for reciprocity of the National Association of Boards of Pharmacy. The Board shall set and collect a fee for submitting and certifying grades for reciprocity in other states.

Section 27. Candidates for Licensure as Pharmacists; Requirements; Responsibilities. Candidates for licensure as phar-

macists shall complete a practical training program as prescribed by the Board in keeping with standards established by the national accreditation agencies. The candidate shall apply to the Board for proper reporting forms and shall ascertain that the preceptor under whom he proposes to take his practical training is a qualified preceptor. The candidate shall receive credit for experience gained only in an approved pharmacy under the supervision of an approved preceptor. The candidate must keep records as prescribed by the Board of all professional experience gained, and upon request must report to the Board and furnish information relative to the practical experience gained. The Board may accept internship affidavits from other states provided the internship requirements are no less than requirements of the National Association of Boards of Pharmacy.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 148 S.115—McDonald (S)

AN ACT

Relating to all counties having populations of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to authorize the governing bodies of said counties to increase salaries of employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk, Register, Sheriff, Commission on Government and Finance and courts in said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census, the county governing body is authorized to pay out of any funds of the county increased salaries in an amount not to exceed $50.00 (Fifty Dollars) per month per employee to the employees in the offices of the Probate Judge, Tax Collector, Tax Assessor, Circuit Clerk, Register, Sheriff, Commission on Government and Finance and courts in said counties.

Section 2. The salary increases provided for in Section 1 shall, upon concurrance of the governing body of said counties, be made retroactive for each employee to October 1, 1974 or to the time of the beginning of the employee's work status with said counties, whichever date shall have last occurred.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 149 S. 52—Mims

AN ACT

To provide that persons employed in county or district health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions as used in this act:

(A) Local Health Officer: The duly appointed Health Officer serving a County Health Department or a District Health Department.

(B) Local Health Department: County Health Department or District Health Department as set forth in Title 22, Code of Alabama.

Section 2. The local Health Officer or his designee shall appoint such as may be necessary to administer the Public Health services within the county or district. Upon request of such local health officer or his designee, the State Personnel Department shall establish a local register of eligibles who are residents of the county or district in which the vacancy exists or who are employed by the County Health Department or District Health Department in the County or District in which the vacancy exists. If no appointment is made from the local register or there is no local register, an appointment shall be made from the statewide register. Provided, however, that on the effective date of this Act any person employed in county or district health departments under provisions of the Merit System Council for County Departments of Health shall be covered under the provisions of the State Merit System Act with the same status.

Section 3. On the effective date of this Act, all county and district health department employees shall be covered with

their current status, under the State Merit System, and shall be extended all benefits of such system.

Section 4. The provisions of this Act shall not apply to any county health department whose employees are covered by a county-wide Personnel or Merit System.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

Section 7. This Act shall become effective sixty (60) days following its passage by the Legislature and signature of the Governor or as otherwise becoming law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 150

S. 68—Shelby

AN ACT

Relating to the sixth judicial circuit; to provide further for the compensation of supernumerary judges who retire from the sixth judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any supernumerary circuit judge who retires from the sixth judicial circuit shall be entitled to receive as additional compensation payable from the treasury of the county comprising the sixth judicial circuit a sum equal to 40% of the compensation paid said judge by the State of Alabama. The salary or compensation provided for herein shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds. The salary or compensation provided for herein shall be the total supplementary salary or compensation to be paid said supernumerary circuit judges out of the county treasury and the provisions of this act shall supersede and repeal the provisions of Act No. 1024, S. 461, 1973 Regular Session (Acts of 1973, p. 1561), only insofar as it applies to the Sixth Judicial Circuit.

Section 2. This act shall become effective February 1, 1977.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 151 S. 69—Shelby

AN ACT

To amend Section 1 of Act No. 2331, S. 772, p. 3759, Volume V, Acts of Alabama, 1971, relating to the establishment of voting centers in counties in the State having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That Section 1 of Act No. 2331, S. 772, page 3759, Volume V, Acts of Alabama, 1971, be and the same is hereby amended to read as follows:

"Section 1. This Act shall apply only in counties of the state having a population of not less than 110,000 nor more than 150,000 inhabitants according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word 'county' means any county to which this Act applies; the phrase 'county governing body' means the court of county commissioners, board of revenue, or other like governing body of any such county, and where appropriate shall mean commission board or other like governing body of any municipality in such county; the word 'election' means any general, special, or primary election held in the county, including a district, municipal, county, state or federal election; and the term 'voting center' means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections."

SECTION 2. All laws or parts of laws which conflict with this Act are repealed.

SECTION 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 152 S. 71—Shelby

AN ACT

To amend Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama as it concerns part-time assistants to the Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000

people according to the last or any subsequent decennial Federal Census, so as to allow that their employment not be subject to any civil service or merit system of such county.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Section 9 of Act No. 1025 of the 1973 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 9. Full-time assistants for such Ex-officio Judge shall be covered by the Civil Service system or merit system of such county, but, no part-time assistant or assistants who shall be compensated by an hourly rate of pay, shall be employed subject to any civil service or merit system of the county, but shall be employed or discharged by the Ex-officio Judge with concurrence of the Supervisory Board".

SECTION 2. All laws or parts of laws which conflict with this Act are hereby repealed.

SECTION 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 153 S. 73—Jones

AN ACT

To permit any state, county, or municipal government in this state to voluntarily participate in any program designed to provide any assistance to the aged; such participation may be monetary, services, or any other form of assistance.

Be It Enacted by the Legislature of Alabama:

Section 1. All county, municipal and state governments in this state are hereby authorized to voluntarily participate in any program which is related to any form of assistance for the aged, including, but not limited to such programs as: Senior Citizens Volunteers, Foster Grandparents, Senior Aids, various programs of the federal Department of Health, Education and Welfare, and any other program supported by the federal government, private foundations, or other political or private organizations which establish assistance programs for the aged. Participation in said old-age assistance programs may be in the form of monies, services rendered, or any other form of voluntary participation available.

Section 2. Provided, however, that nothing contained in this Act shall be construed to usurp the authority or affect the funding of the Department of Pensions and Security under the public welfare laws of this State, under other existing laws of this State as the same may hereafter be amended, or services administered by the Department of Pensions and Security as the single State agency designated to administer funds and services under State or Federal Legislation, including but not limited to the federal Social Security Act and the Food Stamp Act of 1964, as amended. Nor shall any portion of this act usurp the authority of the Alabama Commission on Aging as the state agency designated as an advocate for Alabama's senior citizens by the Alabama Legislature; and as the state agency designated to administer the Older Americans Act of 1965, as amended.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 154 S. 78—Gilmore, Pearson, Clemon, McMillan, Vacca, Ellis

AN ACT

To exempt The Diabetes Trust Fund, Inc. from the payment of all state, county, and municipal sales and use taxes and provides for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Diabetes Trust Fund, Inc. and any of its branches or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, are hereby exempted from paying any state, county or municipal sales or use taxes.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor and shall be retroactive to September 1, 1974.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 155 S. 106—Torbert, Jones, Givhan

AN ACT

To transfer the Cahaba Historical Site, a property on the National Register of Historic Places, owned by the Cahaba Historical commission of the State of Alabama to the Alabama Historical Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cahaba Historical Site, a property on the National Register of Historic Places, Dallas County, Alabama, owned by the Cahaba Historical Commission is hereby transferred to the Alabama Historical Commission which shall have full authority to develop, renovate, preserve, maintain, operate, exhibit, and publicize the Cahaba Historical Site in accordance with the powers and responsibilities of said Commission. The Board of the Cahaba Historical Commission shall cause an appropriate deed or conveyance to be executed in accordance with the provisions of this Act.

Section 2. All unencumbered and unexpended funds appropriated to the Cahaba Historical Commission shall be transferred to the Alabama Historical Commission.

Section 3. The Cahaba Historical Commission is hereby redesignated the Cahaba Advisory Committee and shall advise the Alabama Historical Commission regarding the restoration and development of the site.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective October 1, 1975.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 156 S. 114—Jones

AN ACT

Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; requiring the construction of over or underpasses where streets cross railroads in certain instances.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any incorporated municipality in this state having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census.

Section 2. In cities to which this act applies, for the safety of the citizens, Fieldcrest Drive shall not be opened to actual traffic at any point where it has a grade level crossing with a railroad.

Section 3. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 157 H. 56—Ford, Rich, Taylor, Brindley

AN ACT

Relating to counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes; prescribing a penalty for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census.

Section 2. In all counties to which this Act applies it shall be illegal to trap foxes by the use of any kind of device including but not limited to steel, iron, metal, brass, or any other kind of material used for the purpose of holding, catching, hindering, or trapping foxes.

Section 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished as prescribed by law.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 158 H. 76—Plaster, Edwards

AN ACT

Providing for expense allowances for the tax assessor and for the tax collector of counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having populations of not less than 12,700 nor more than 13,100, according to the most recent federal decennial census the tax assessor and the tax collector shall each be entitled to and receive an expense allowance of three hundred dollars per month. The expense allowances provided for herein shall be in lieu of any other expense allowances now payable to said officials of such counties.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 159 H. 101—Lee, Owens

AN ACT

To create the office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The office of Deputy District Attorney No. 4 of the Sixth Judicial Circuit is hereby created. This Deputy

District Attorney shall be appointed by and shall serve at the pleasure of the District Attorney of the Sixth Judicial Circuit.

SECTION 2. The compensation of Deputy District Attorney No. 4 shall be in accordance with that salary schedule applying to the offices of Deputy District Attorney of the Sixth Judicial Circuit. Such compensation shall be paid from the funds of the county in which the duties of the office are performed, in equal installments as the salaries of other county officers are paid.

SECTION 3. No part of the compensation of Deputy District Attorney No. 4 shall be paid by the State of Alabama.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 160 H. 102—Lee, Owens

AN ACT

To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitor's fees taxed and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. All solicitor's fees hereafter taxed as court costs and collected in all criminal cases in the Circuit Court of the Sixth Judicial Circuit shall be paid in the county treasury in the county in which said fees are taxed and collected and said fund shall be kept as a separate fund in the county treasury and shall be known as the Solicitor's Fund and shall be used and expended by the District Attorney of the Sixth Judicial Circuit as hereinafter provided.

Section 2. The county governing body of any county located in the Sixth Judicial Circuit is hereby granted the authority to appropriate and to transfer from the general fund of the said county into the Solicitor's Fund, to be used as other funds in the Solicitor's Fund as hereinafter set out, any amount of money which said county governing body shall deem to be necessary in carrying out the purpose of the Solicitor's Fund.

Section 3. The District Attorney of the Sixth Judicial Circuit is hereby authorized to requisition expenditures from the said Solicitor's Fund for the payment of any and all expenses to be incurred by him for law enforcement and in the discharge of the duties of his office, as he sees fit. The treasurer of each county in the Sixth Judicial Circuit shall pay out of said funds to the said District Attorney upon requisition made to the treasurer by the District Attorney.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

Section 5. This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 2, 1975.

Time: 3:30 P.M.

Act No. 161 H. 165—Smith (B), Riddick, Kelley, White, Roberts, Sasser, Quarles, Waggoner, Johnstone, Callahan

AN ACT

To amend the power of the State Board of Medical Examiners over the granting of certificates of qualifications to practice medicine; to define the practice of medicine; to regulate the unlawful practice of medicine; to amend the power of the State Board of Medical Examiners to issue limited certificates of qualification; to amend the power of the State Board of Medical Examiners to suspend or revoke certificates of qualification to practice medicine; to amend the section relating to compensation of witnesses; to amend the section relating to fees for examination.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 259 of Title 46 of the Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

Section 259. Qualification of Applicants; Scope of Examination. (a) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has graduated from a college of medicine or osteopathy in the United States, District of Columbia, the territories of the United States, or the provinces of Canada which have been approved by the Board of Medical Examiners shall submit to the Board of Medical Examiners (1) A diploma showing graduation from such college of medicine or osteopathy; (2) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

(b) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada shall submit to the Board of Medical Examiners (1) a diploma showing graduation from a college of medicine or osteopathy; (2) Evidence satisfactory to the Board that the applicant has completed the requirements for a resident physician or resident surgeon in a hospital approved by the Board of Medical Examiners; (3) Evidence satisfactory to the Board that the applicant has completed all the requirements for taking the examination of one of the specialty boards approved by the American Medical Association; (4) Evidence satisfactory to the Board that the applicant has been certified by the Educational Council for Foreign Medical Graduates.

(c) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has complied with the requirements set forth in the preceeding subsections, shall be permitted to take the examination given by the National Board of Medical Examiners, the Federation Licensing Examination, or any other examination which is or shall be approved by the Board of Medical Examiners and which examines in the following branches of medical learning, to wit: General medicine, surgery, obstetrics, gynecology, preventive medicine and jurisprudence, and such other branches as the Board may require.

(d) Any applicant who successfully completes such examinations with a passing score acceptable to the Board of Medical Examiners shall be issued a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama.

Section 2. That Section 262 of Title 46 of the Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

Section 262. Practice of medicine or osteopathy defined; practicing medicine or osteopathy without license; penalty for; proceedings to restrain unlawful practice.

(a) The definition of the "practice of medicine or osteopathy" means: (1) To diagnose, treat, correct, advise, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality. (2) To maintain an office or place of business for the purpose of doing acts described in clause (1) whether for compensation or not; (3) To use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human disease or conditions the designation "doctor", "doctor of medicine", "doctor

of osteopathy", "physician", "suryeon", "physician and surbeon", "Dr.", "M.D." or any combination thereof unless such a designation additionally contains the description of another branch of the healing arts for which a person has a license.

(b) Any person who practices medicine or osteopathy or offers to do so in this state without a certificate of qualification having been issued in his behalf by the State Board of Medical Examiners, and without a license and certificate of registration from the State Licensing Board for the Healing Arts, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than one hundred nor more than one thousand dollars and may be imprisoned in the county jail for not less than one month nor more than six months. However, nothing in this section or article shall apply to fellows, residents, interns or medical students who are employed by or who are taking courses of instruction at the University of Alabama School of Medicine or such other medical schools or colleges, hospitals, or institutions in Alabama as may be approved by the Board of Medical Examiners and provided that the work of the fellows, residents, interns or medical students is performed within the facilities of such medical schools or colleges, hospitals, or institutions under the supervision of a licensed physician and as an adjunct to his course of study or training, and until said fellows, residents, interns, or students meet training requirements for licensure under the laws of the State of Alabama and the regulations of the Board of Medical Examiners of the State of Alabama. Provided further that nothing in this Act shall be construed as applying to any person practicing chiropractic, dentistry, podiatry, optometry, or any other branch of the healing arts, except medicine and osteopathy, pursuant to a license which has been issued, or which may hereinafter be issued, by any state licensing board and who are practicing within the scope of such license.

(c) The State Board of Medical Examiners in addition to the powers and duties expressed in this article, with respect to the denial to the certificate of qualification to practice medicine or suspension or revocation of a certificate of qualification to practice medicine, shall have the power to commence and maintain in any circuit court having jurisdiction of any person within this state, who is practicing medicine without a certificate of qualification or to whom a certificate of qualification has been denied, or whose certificate of qualification has been suspended or revoked by the action of the Board, an action in the nature of quo warrant as provided for in Title 7, Section 1133, et seq., Code of Albama 1940, as the same is now or may hereafter be amended to order such person from continuing to practice medicine or osteopathy within the State of Alabama, and jurisdiction is conferred upon the circuit courts of this state to hear and determine all such cases. The Board may com-

mence and maintain such action without the filing of a bond or security without the order or direction of a circuit judge. Nothing in this section shall be construed as conferring criminal jurisdiction upon any court not now possessing such criminal jurisdiction, nor shall such court, as an incident to the said action in the nature of quo warranto herein authorized, have the power to access the criminal penalties heretofore set out. An injunction shall be issued upon proof that the person or persons is now or has in the past engaged in the unlawful practice of medicine or osteopathy without requiring proof of actual damage substained by any person. If such injunction is issued, the injunction shall not relieve any person, corporation or association nor the officers or directors thereof, from criminal prosecution for the unlawful practice of medicine.

Section 3. That Section 267 of Title 46, Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

Section 267. Board of Medical Examiners, reciprocal with those of other states.—(a) The State Board of Medical Examiners may establish reciprocal relations with similar boards of other states, the District of Columbia, the territories of the United States and the provinces of Canada in reference to the issuance of certificates of qualifications, provided that such reciprocal relations shall not be established with a Board of Examiners that does not require examination upon substantially the same branches of medical learning as those enumerated in Section 259 of this title, and does not maintain a standard of proficiency at least equal to that maintained by the Board of Medical Examiners of this state. When such reciprocal relations have been established, a certificate of qualification may be issued without examination in behalf of a person who presents evidence that the has complied with the requirements of a reciprocating board.

(b) The State Board of Medical Examiners may issue a certificate of qualification without examination in behalf of a person who presents evidence that he has complied with the requirements of the appropriate board of examiners or another state, the District of Columbia, the territories of the United States and the provinces of Canada, provided that such board requires examination upon substantially the same branches of medical learning as those enumerated in Section 259 of this title and maintains a standard of proficiency at least equal to that maintained by the State Board of Medical Examiners of this state, whether it has established reciprocal relations wtih the appropriate Board of Examiners or not. The State Board of Medical Examiners may also issue a certificate of qualification without examination in behalf of a person who presents evidence satisfactory to the Board that they have successfully

completed the Federation Licensing Examination or the examination given by the National Board of Medical Examiners with a passing score acceptable to the Board of Medical Examiners.

(c) On the face of any Certificate of Qualification issued in accordance with the provisions of this Section a statement shall appear that it was issued pro forma and without examination.

(d) Any Certificate of Qualification heretofore issued by the State Board of Medical Examiners under the provisions of this Section is hereby validated, ratified, and confirmed, provided such certificate could have been issued under said Section as the same now reads.

(e) No person in whose behalf a reciprocal or pro forma Certificate of Qualification has been issued shall practice in this state unless and until he shall have obtained a license and certificate of registration from the State Licensing Board for the Healing Arts.

Section 4. That Section 269 of Title 46, Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

Section 269. Certain certificates issued without examination.—The state board of medical examiners may issue in behalf of a commissioned officer of the medical corps of the army, the navy, the air force, or the public health service of the United States a certificate of qualification without examination, provided that such commissioned officer presents to said board a commission or other satisfactory evidence showing that he is such medical officer; but upon the face of the certificate so issued it shall appear that the certificate was issued pro forma and without examination. Provided, however, that upon the release from active service of any physician to whom a certificate of qualification is issued under this subsection, such certificate shall automatically expire without notice. Physicians to whom a certificate is issued under this subsection shall be required to pay to the Board of Medical Examiners the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity.

(b) The state board of medical examiners may in its discretion and subject to rules and regulations promulgated by said board issue a certificate of qualification without examination in behalf of full time employed physicians teaching in the Medical College of Alabama, or any other medical college in Alabama, approved by the Association of American Medical Colleges or said board. The dean of the medical college located in this state shall be required to annually certify to the board the names of members of the college's faculty who have not had issued in their behalf a certificate of qualification by said

board and who in the opinion of said dean possess suih qualifications as the board has or may prescribe including qualifications in the basic sciences, medical education and other qualifications. The dean in submitting said certificate of qualifications shall submit in addition to the certificate and other information required a dossier on said applicant to include the following: Name, residence of borth, all places of residence, race, religious beliefs, any convictions of any crimes, education showing institution degrees medical training degrees and experience, internships by years and place, any other honorary degrees or recognitions. The dean shall include any other remarks appropriate. The statement shall be signed by the said applicant under oath. The dean shall verify said records including the last statement upon "information and belief." Said record shall be public records and shall be submitted to the board and kept as permanent records for the use of the board and for public inspection for due cause. If the said board concurs in the opinion of said dean the board may waive any requirement of examination, or citizenship, but such teacher applicants must be at least twenty-one years of age and of good moral character. Physicians having certificates issued hereunder must limit their practice to the confines of the medical center of which the medical college is a part, and as an adjunct to their teaching functions in such college. Certification will be automatically withdrawn and automatically expires without notice when full time employment is terminated. The state board of medical examiners shall make such rules and regulations as it considers necessary to carry out the purpose of this section. Certificates issued hereunder and licenses based thereon shall state on their face that such practice is limited to the confines of a particular medical center of which a certain medical college is a part and are issued pro forma without examination. Teaching physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Such teaching physicians may apply to the Board of Medical Examiners to renew their certificates of qualification, but the Board shall have full discretion to accept or reject the application for renewal. Teaching physicians to whom a certificate is issued under this subjection shall be required to pay the Board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the Board for renewal of certificates issued under this subsection shall not exceed fifteen dollars. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the medical center

in which he is employed and any such practice or attempt to practice medicine outside the confines of said medical center shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

(c) The State Board of Medical Examiners may in its discretion and subject to rules and regulations promulgated by said Board issue a certificate of qualification without examination in behalf of any physician employed full time at any state penal institution or any state mental institution or any other state institution approved by the Board of Medical Examiners. Physicians having certificates issued hereunder must limit their practice to the confines of the institution in which they are employed. Certification will be automatically withdrawn and automatically expires without notice when full time employment is terminated. The State Board of Medical Examiners shall make such rules and regulations as it considers necessary to carry out the purpose of this Section. Certificates issued hereunder and licenses based thereon shall state on their face that such practice is limited to the confines of a state institution and are issued pro forma without examination. Physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said Board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Such physicians may apply to the Board of Medical Examiners to renew their certificates of qualification, but the Board shall have full discretion to accept or reject the application for renewal. Physicians to whom a certificate is issued under this subsection shall be required to pay the Board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the Board for renewal of certificates issued under this subsection shall not exceed fifteen dollars. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the institution in which he is employed and any such practice or attempt to practice medicine outside the confines of said institution shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

Section 5. That Section 270 of Title 46 of the Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

"Section 270. Suspending or revoking certificate of qualification to practice medicine or osteopathy in the State of Alabama.

"The State Board of Medical Examiners shall have the power and duty to suspend for a specified time determined by the Board, or revoke any certificate of qualification to practice medicine or osteopathy in the State of Alabama whenever the person issued the certificate of qualification to practice medicine or osteopathy shall be found guilty by a preponderance of the evidence propounded before the Board, of any of the following acts, offenses, or conditions:

(1) Fraud in applying for or procuring a certificate of qualification to practice medicine or osteopathy in the State of Alabama;

(2) Practicing medicine or osteopathy in such a manner as to unwarrantedly endanger the health and safety of the patients of the practitioner;

(3) Conviction of a felony. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(4) Conviction of any crime or offense which reflects the inability of a practitioner to practice medicine with due regard for the health and safety of his patients;

(5) Conviction for any violation of a Federal or State law relating to controlled substances;

(6) Receipt of fees on the assurance that a manifestly incurable disease can be effectively arrested or permanently cured;

(7) Willful disclosure of any confidential patient-doctor information unless excused by the patient(s) involved or required by the laws of Alabama;

(8) Any violation of the principles of medical ethics as set forth in the opinions and reports of the Judicial Council of the American Medical Association;

(9) Gross malpractice or repeated malpractice or gross negligence in the practice of medicine;

(10) Advertising himself or his practice, whether through newspaper or periodicals, or by circulars, or otherwise, in such a manner as tends to deceive or mislead the public in matters pertaining to health.

(11) Soliciting patients or employing any person to solicit patients for him;

(12) Permitting or allowing any person to use his license or certificate to practice medicine;

(13) Aiding or abetting the practice of medicine by any person not licensed by the Board;

(14) Using his name under the designation "doctor," "Dr., "D.O.," or "M.D." or any similar designation with reference to the commercial exploitation of any goods, wares, or merchandise.

(15) Making a fraudulent Medicare or Medicaid claim, or a fraudulent claim to any third party payor;

(16) The suspension or revocation by another state of a license to practice medicine, based upon acts by the licensee similar to acts described in this section. A certified copy of the record or suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof.

(17) Refusal to appear before the Board of Medical Examiners after having been formally requested to do so in writing by the Executive Secretary of said Board.

(18) Being unable to practice medicine or osteopathy with reasonable skill and safety to patients by reason of illness, inebreiation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

(a) When the issue before the Board is whether or not a doctor is physically or mentally capable of practicing medicine or osteopathy with reasonable skill and safety to patients, then upon a showing of probable cause to the Board that the doctor is not capable of practicing medicine or osteopathy with reasonable skill and safety to patients; the Board may order and direct the doctor in question to submit to either a physical, mental or laboratory examination or any combination of such examination(s) performed by a physician or osteopath designated by the Board. The expense of such examination shall be born by the physician or osteopath who is so examined.

(b) Every physician licensed to practice medicine or osteopathy in the State of Alabama who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by the making and filing of an annual registration to practice medicine, shall be deemed to have given his consent to submit to a mental, physical, or laboratory examination or any combination of such examinations and to waive all objections to the admissibility of the examining physician's (s') testimony or examination reports on the grounds that they constitute privileged doctor-patient communications, when:

(1) There is a question as to whether or not some illness, physical or mental condition, or any such combination of illnesses or conditions has so affected the doctor's ability to practice medicine or osteopathy that he is endangering the health and safety of his patients; and he is;

(2) Directed in writing by the Board to submit to such examination(s) at a specified time and place.

Section 6. That Section 271 of Title 46 of the Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

"Section 271. Investigation and hearing procedure as to suspension or revocation or Certificate of Qualification to practice medicine or osteopathy.

(1) The Board of Medical Examiners on its own motion may investigate any evidence which appears to show that a physician or osteopath holding a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama is or may be guilty of any of the acts offenses or conditions set forth in the preceding section.

(2) Any physician or osteopath holding a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama shall and is hereby required to, and any other person may, report to the Board of Medical Examiners any information such physician, osteopathy or other person may have which appears to show that any physician or osteopath holding a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama is guilty of any of the acts, offenses, or conditions set forth in the preceding section.

(3) If in the opinion of the Board of Medical Examiners it appears that such information provided to it under the provisions of this section is or may be true the Board may request a formal interview with the physician.

(4) If the physician or osteopath invited to a formal interview before the Board refuses to appear for such interview, the Board shall have grounds to suspend or revoke the Certificate of Qualification of such physician or osteopath.

(5) Any proceeding for suspension or revocation of a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama shall be conducted in accord with the following procedures:

(a) A written complaint signed by the State Health Officer, any member of the Board of Medical Examiners, any duly licensed physician or osteopath, or any other person shall be filed with the Executive Secretary of the Board of Medical Examiners.

(b) The Executive Secretary of the Board of Medical Examiners shall set a date for the hearing of said complaint, shall notify the physician or osteopath against whom the complaint was filed of the time and place of said hearing and shall

forward to such physicians or osteopath a copy of the complaint filed against him.

(c) Said notice shall be served upon the physician or osteopath against whom the complaint was filed at least 20 days prior to the hearing date.

(d) Said notice may be served by any sheriff of the State of Alabama or by any member of the professional association of the person charged, and if served by member of said association, the return of service shall be sworn to by said member before some officer authorized to administer oaths.

(e) All hearings for the suspensions or revocation of any Certificate of Revocation to practice medicine or osteopathy shall be held in the offices of the Medical Association of the State of Alabama, in Montgomery, Alabama.

(f) If the physician or osteopath against whom a complaint has been filed is out of the state, or evades service, or cannot be served in person, then the service may be made by mailing a copy of the complaint and of the notice to said person at his last known post office address in this state, and the return shall show that service has been made in this manner.

(g) The investigation shall be held with as little publicity as practicable, consistent with a fair and impartial hearing, but the physician or osteopath against whom the complaint has been filed may elect to have the hearing in public.

(h) At the hearing the physician or osteopath against whom the complaint has been filed shall have the right to be represented by counsel and shall have the right to call any witnesses germane to the issues under consideration.

(i) The Board of Medical Examiners may permit the complaint to be amended, but no amendment shall be permitted that is not germane to the act, offenses, or conditions originally charged or that materially alters the nature of any act, offense, or condition charged.

(j) The Board shall have the right to determine all questions as to the sufficiency of the complaint as to procedure and as to the admissibility and weight of evidence.

(k) If a person whose qualifications is under consideration absents himself, the hearing may proceed in his absence.

(6) The Board may temporarily suspend the Certificate of Qualification of a physician or osteopath without a hearing, simultaneously with the institution of proceedings for a hearing provided under this section, if the Board finds that evidence in its possession indicates that the physician's or osteopath's

continuation in practice would constitute an immediate danger to the public.

(7) A physician or osteopath may request in writing to the Board of Medical Examiners that a restriction be placed upon his Certificate of Qualification to practice medicine or osteopathy. The Board may grant such request or restriction and shall have authority, if it deems appropriate, to attach such conditions to the Certificate of Qualification of the physician or osteopath to practice medicine or osteopathy within the State of Alabama. Removal of a voluntary restriction on a Certificate of Qualification shall be done only with the approval of the Board of Medical Examiners.

(8) Subsequent to the holding of a hearing and the taking of evidence by the Board of Medical Examiners as provided for in this section, if the Board finds that a physician or osteopath is guilty of any of the acts, offenses, or conditions enumerated in the preceding section the Board may take any of the following actions or any combination of the following actions:

(a) Render a judgment and impose a penalty, or

(b) Suspend imposition of judgment and penalty, or

(c) Impose judgment and penalty, but suspend enforcement thereof by placing the physician or osteopath on probation, which probation shall be revocable without further hearings or taking of testimonies if the Board of Medical Examiners finds that the conditions of the probation order are not followed by the physician or osteopath.

(d) As a condition of probation the Board may require the physician or osteopath to submit to care, counseling, or treatment by physicians designated by the Board. The expense of such care, counseling, or treatment shall be borne by the physician or osteopath on probation.

(e) The Board of Medical Examiners may at any time modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer or both.

(f) Upon expiration of the term of probation further proceedings shall be waived by the Board if the holder of the Certificate of Qualification furnishes the Board with evidence that he is competent to practice medicine or osteopathy and has complied with the terms of probation. If such evidence fails to establish to the satisfaction of the Board that the probationer is competent and has complied with the terms of probation, the Board may revoke or suspend the probationer's Certificate of Qualification without further hearings or taking of testimony.

(g) If a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama is suspended the holder of said certificate may not practice during the term of suspension. Upon expiration of the term of suspension the certificate shall be reinstated by the Board if the holder of the certificate furnishes the Board evidence on the basis of which the Board finds that he is competent to practice medicine or osteopathy and that he has not practiced medicine or osteopathy in this state during the term of suspension. If such evidence fails to establish to the satisfaction of the Board that the holder of the certificate is competent, or if any evidence shows he has practiced medicine or osteopathy in this state during the term of suspension, the same shall be grounds for revocation of the Certificate of Qualification and the Board may revoke such certificate after notice, service of the complaint, and a hearing.

Section 7. That Section 274 of Title 46 of the Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

Section 274. Compensation of witnesses.—Any witness attending any such hearing shall immediately upon his discharge as a witness be paid by the Board an amount not to exceed the per diem expense allowed to Alabama state employees for in-state travel and the actual cost of his transportation to and from the place of hearing not to exceed the mileage rate allowed to Alabama state employees for in-state travel, to be paid out of the funds of the State Board of Medical Examiners.

Section 8. That Section 291 of Title 46 of the Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

Section 291. Fee for examination or reciprocity.—The fee for an examination or for reciprocity shall not be less than seventy-five dollars nor more than one hundred and fifty dollars, to be fixed by the board, which amount must be paid in advance of the examination or prior to the granting of reciprocity, and to such person as the board may authorize to receipt therefor. A fee shall not be returnable to an unsuccessful applicant for examination, but such applicant shall be entitled to a second examination without paying an additional fee, provided such second examination is obtained within one year after the date of the first examination. The fee paid by an unsuccessful applicant for reciprocity shall be returned to such unsuccessful applicant.

Section 9. The provisions of this Act are enacted for the public welfare and shall be liberally construed to advance the same.

Section 10. The provisions of this Act are severable. If any

section, subsection, paragraph, sentence, clause, provision, or portion of this Act be held unconstitutional or invalid, it shall not affect any other section, subsection, paragraph, sentence, clause, provision, or portion of this Act, not in itself unconstitutional or invalid.

Section 11. All laws or provisions of laws in conflict with this Act are, to the extent of such conflict, hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor of Alabama or when it otherwise becomes a law.

Approved May 2, 1975.

Time: 5:05 P.M.

Act No. 162 H. 166—Smith (B), Riddick, Kelley, White, Roberts, Sasser, Quarles, Waggoner, Johnstone, Callahan

AN ACT

To repeal Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1959 (Acts 1959, p. 604), entitled, "An Act to provide future regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties; imposing fees and charges and providing for their use; prescribing penalties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 107, H. 151, Approved August 26, 1959, Regular Session 1919 (Acts 1959, p. 604), entitled, "An Act to provide further regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers and duties; imposing fees and charges and providing for their use; prescribing penalties," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 2, 1975.

Time: 5:05 P.M.

Act No. 163 H. 196—Manley, Pegues

AN ACT

...ating to counties having a population of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census.

Section 2. The members of the county commission of all counties to which this act applies shall be paid an additional expense allowance of $200 per month which shall be paid out of the general fund of the county in equal monthly installments. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 3. The expense allowance provided for by this act shall expire and not be paid to any member of the county commission after the expiration of the present term of office of the current county commission.

Section 4. The provisions of this act shall become effective upon the first day of the month next succeeding the passage of this act.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 164 H. 132—Taylor, Brindley, Ford, Rich

AN ACT

Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal census.

Section 2. In such counties, the County Commission, Board of Revenue, or like governing body is hereby authorized and empowered to impose, in addition to all other taxes heretofore provided by law, a privilege or license tax upon the sale, use or consumption, distribution, storing or withdrawing from storage of any malt or brewed beverage, within such counties as follows:

(a) 1¢ per can, bottle, or other container containing twelve fluid ounces or less;

(b) 1¼¢ per can, bottle, or other container containing more than twelve fluid ounces;

to be paid by every firm, distributor, storer or user of any malt or brewed beverages; provided, that where the amount of the tax authorized to be levied herein shall have been paid to the county by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax authorized herein be paid but once.

Section 3. The privilege or license tax authorized hereby shall be collected in the same manner as heretofore provided for the collection of other privilege or license taxes upon the sale of malt or brewed beverages within such counties; and all previous provisions relating to reporting of sales and rules, regulations and administrative machinery for the enforcement and collection of such similar taxes shall apply with regard to the tax authorized hereby, including the discretion to provide for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of tax.

Section 4. After the payment of all costs of collection and enforcement of this act, the net proceeds shall be deposited in the county general fund, to be used for such purposes as the County Commission, Board of Revenue, or like governing body, may direct.

Section 5. The provisions of this act are severable. If any part hereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The tax authorized to be imposed by this Act may be nullified at any time upon adoption of an appropriate resolution by the County Commission.

Section 7. All laws or parts of laws in conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 165 H. 149—Crowe

AN ACT

Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census.

Section 2. In all counties to which this Act applies it shall be illegal to trap foxes and raccoons by the use of any kind of steel traps.

Section 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished as prescribed by law.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 166 H. 207—McNees

AN ACT

To provide an additional expense allowance for the County Commissioners of all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census.

Section 2. The County Commission members of any county to which this Act applies shall receive an expense allowance of $125.00 per month which shall be paid out of the county

general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 167 H. 208—Kinsey

AN ACT

To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, are hereby altered and rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto, the following described territory, to-wit:

Commence at a point of the North line of Section 8, Township 9 South, Range 4 East where said North line intersects a northerly extension of the West R.O.W. line of West Street, as shown on a plat of WEST CANAL PINES UNIT OF GULF SHORES, BALDWIN COUNTY, ALABAMA (MB4, page 126) run thence Southwardly along and with the West R.O.W. line of said street to its intersection with the North R.O.W. line of the intracoastal Canal, also as shown on said plat; turn thence to the left and run westwardly, and along the North R.O.W. line of the Intracoastal Canal to a point where the East R.O.W. line of Northwest First Street (as shown on said plat) intersects said North R.O.W. of the Intracoastal Canal; turn thence to the right and run northwardly along the East R.O.W. of said Northeast First Street and then along a northerly extension of said East R.O.W. to a point on the North line of said Section 8; turn thence to the left and run westwardly along the North line of said Section 8 (and which is also the South line of Section 5, Township 9 South, Range 4 East) to the Northwest corner of said Section 8 (and which point is also the Southeast corner of Section 6, Township 9 South, Range 4 East), continue thence along the South line of said Section 6 to the Southwest corner of said Section 6; turn thence to the right and run in a northerly direction, and along the west line of said Section 6 to the Northwest corner of the Southwest quarter of said Section 6, turn thence to the right

and run eastwardly along the north line of the Southwest quarter of said Section 6, to the Northeast corner of the Southwest quarter of said Section 6 (and which point is also located on the West line of the East one-half of said Section 6), turn thence to the left and run northwardly and along the West line of the East one-half of said Section 6 to the Northwest corner of the East one-half of said Section 6, turn thence to the right and run Eastwardly along the North line of said Section 6 to the Northeast corner of said Section 6 (and which point is also the Northwest corner of Section 5, Township 9 South, Range 4 East), continue thence eastwardly along the North line of said Section 5 to the Northeast corner of the West one-half of said Section 5, turn thence to the right and run Southwardly along the East line of the West one-half of said Section 5 to the Northwest corner of the Southeast quarter of said Section 5, turn thence to the left and run eastwardly along the North line of the Southeast quarter of said Section to the Southwest corner of the Southeast quarter of the Northeast quarter of said Section 5, turn thence to the left and run northwardly along the west line of the Southeast quarter of the Northeast quarter to the Northwest corner of said quarter-quarter, turn thence to the right and run eastwardly along the north line of said Southeast quarter of the Northeast quarter of Section 5 to a point on the East R.O.W. of West Street, as shown on a plat of GULF SHORES ACRE TRACTS SUBDIVISION (MB 4, pages 12 & 13), turn thence to the right and run Southwardly along the East R.O.W. of said West Street to the Northwest corner of Lot 34 of said Gulf Shores Acre Tracts Subdivision, turn thence to the left and run eastwardly along the North line of said Lot 34 to the Northeast corner of said Lot 34, continue eastwardly along an eastward extension of the north line of said Lot 34 to the Northwest corner of Lot 30 of said Gulf Shores Acre Tracts Subdivision, and also continue eastwardly along the north line of said Lot 30 to the Northeast corner of said Lot 30, turn thence to the right and run Southwardly along the east line of said Lot 30 to the Southeast corner of said Lot 30, turn thence to the right and run Westwardly along the South line of said Lot 30 to the Southwest corner of said Lot 30, continue Westwardly along a Westward extension of the South line of said Lot 30 to a point on the East line of said Lot 34 of Gulf Shores Acre Tracts Subdivision, turn thence to the left and run Southwardly along the East line of said Lot 34 to the Southeast corner of said Lot 34, turn thence to the right and run Westwardly along the South line of said Lot 34 to the Southwest corner of said Lot 34 (and which point is also located on the East R.O.W. line of said West Street), turn thence to the left and run Southwardly along the East R.O.W. of said West Street to the Northwest corner of Lot 37 of said Gulf Shores Acre Tracts Subdivision; turn thence to the left and run Eastwardly along

the North line of said Lot 37 to the Northeast corner of said Lot 37 (and which point is also on the West R.O.W. of an un-named street, as shown on said plat of Gulf Shores Acre Tracts Subdivision), turn thence to the right and run Southwardly along the West R.O.W. of said un-named street (and also running along the East lines of Lots 37, 38, 39, 40, 41, 42, 43 and 44 of said Gulf Shores Acre Tracts Subdivision) to a point on the South line of said Section 5, turn thence to the right and run Westwardly along the South line of said Section 5 to a point where a Northwardly extension of the West R.O.W. line of West Street (as shown on a plat of said West Canal Pines Subdivision) intersects the South line of said Section 5 (and which is also the North line of said Section 8, Township 9 South, Range 4 East) which is the POINT OF BEGINNING.

Included in the above description are the following parcels of property showing on subdivision plats of record in the Baldwin County Probate Office:

In WEST CANAL PINES SUBDIVISION (MB 4, Page 126)

All of Block 1

In GULF SHORES ACRE TRACTS SUBDIVISION (MB 4, Page 12 & 13)

All of Lots 30, 34, 37, 38, 39, 40, 41, 42, 43, & 44.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 168 H. 209—Crowe, Sparks

AN ACT

Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Secton 1. The provisions of this Act shall apply to all counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census.

Section 2. In all counties to which this Act applies it shall be illegal to trap foxes and raccoons by the use of any kind of steel traps.

Section 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished as prescribed by law.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 169 H. 211—Owens

AN ACT

Relating to Bibb County, to further amend Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43), which Act levies certain sales and use taxes in Bibb County, so as to increase said sales and use taxes and to allocate the revenue generated from such taxes equally between the county hospital board and the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Bibb County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including the Board of Trustees of the University of Alabama, the Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing within Bibb County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of

debts or stocks), an amount equal to two percent (2%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in the business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

"(b) Upon every person, firm or corporation engaged or continuing, within Bibb County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places where an admission fee is charged, public dance halls of every kind and description within Bibb County, an amount equal to two percent (2%) of the gross receipt of any such business;

"(c) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one percent (1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

"(d) Upon every person, firm, or corporation engaged or continuing, within Bibb County, in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, or house trailer an amount equal to one percent (1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer, semi-trailer, or house trailer; provided, that where any used automotive vehicle, used truck trailer, used semi-trailer,

or used house trailer is taken in trade or in a series of trades as credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.

"(e)" Upon every person, firm, or corporation engaged or continuing within Bibb County in the business of selling at retail any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, an amount equal to one percent (1%) of the gross proceeds of the sale thereof. Provided, however, the one percent rate herein prescribd with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

"(f) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to one percent (1%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business."

Section 2. Section 3 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

"Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personality. An excise is hereby imposed on

"(a) The storage, use or other consumption in Bibb County of tangible personal property purchased at retail, on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of two percent (2%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Bibb County or in this State, except as provided in subsections (b) and (c) of this section;

"(b) The storage, use or other consumption in Bibb County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one percent (1%) of the sales price of such machine, parts, attachments, or replacements; and

"(c) The storage, use or other consumption in Bibb County of any automotive vehicle, truck trailer, semi-trailer, or house trailer purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one percent (1%) of the sales price of such automotive vehicle truck trailer, semi-trailer, or house trailer; provided, that where any used automotive vehicle or used truck trailer, used semi-trailer, or used house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"Provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Bibb County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this Act, to

be used, stored or consumed in Bibb County shall be sufficient to relieve the purchaser from further liability for a tax of such receipt may refer.

"(d) The storage, use, or other consumption in Bibb County of any machine, machinery, or equipment, which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry, or farms, and the parts of such machines, machinery, or equipment, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this article, for storage, use or other consumption in Bibb County, at the rate of one percent (1%) of the sales price of such property, regardless of whether retailer is or is not engaged in business in Bibb County. Provided, however, the one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities."

Section 3. Section 10 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

"Section 10. Disposition of Revenues from Taxes herein Levied. The State Department of Revenue shall make an annual charge to Bibb County for collection of taxes herein levied, such charge for each fiscal year to be an amount not exceeding five percent (5%) of the amount of tax collected during that fiscal year; and the annual charge for each fiscal year shall be retained by the State Department of Revenue out of the taxes collected hereunder during September of the same fiscal year. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the Commissioner; and on or before the first day of each successive month (commencing with the month following the month in which the Commissioner makes the first collections hereunder), the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Bibb County during the month immediately preceding the making of such certificate; provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Bibb County during each September, the Commissioner shall deduct from the taxes collected in said month the aforesaid annual charge of the department for that fiscal year. It shall be the duty of the Comptroller each

month to issue his warnings on the State Treasurer, in the amount so certified by the Commissioner of Revenue as having been collected under this Act and paid during the then preceding month into the state treasury, certified by the Commissioner of Revenue as having been collected under this Act and paid during the then preceding month into the state treasury, and payable as follows: Fifty percent (50%) of the amount so certified by the Commissioner of Revenue as having been collected under this Act and paid into the state treasury during the then preceding month shall be paid, and is hereby appropriated, to the Bibb County hospital board, a public corporation organized in Bibb County under Act No. 46 adopted at the 1949 Regular Session of the Legislature, and the said Board shall be charged with the responsibility of administering the funds herein allocated. The funds received by the hospital board shall be used for the operation, maintenance and capital expenditures of the Bibb County Hospital and Nursing Home and for the maintenance and function of the county health department and the county emergency medical services, and shall be administered in such proportion as the county hospital board deems necessary. The remaining fifty percent (50%) of the amount so certified by the Commissioner is hereby appropriated for the school purposes hereinafter specified and shall be paid to the custodian of the public school funds of Bibb County. The fifty percent (50%) of the said revenues required to be paid to the custodian of county school funds of Bibb County shall be used for constructing, equipping, maintaining, operating and repairing the public schools of Bibb County and for the purchase and maintenance of school buses, warrants and salaries and shall be administered in such proportion as the County Board of Education deems necessary."

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective on the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 170 H. 214—Hines, Warren

AN ACT

To provide a secretary for the District Attorney of the Circuit Court

serving Escambia County; and to further prescribe the duties and powers of the said secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Circuit Court serving Escambia County is hereby authorized and empowered to appoint a secretary, who shall serve at the pleasure of the District Attorney and shall perform such duties as the District Attorney may direct, and who may be removed from office at any time by the said District Attorney. The salary of such secretary shall be fixed by the District Attorney at a sum of not less than $350.00 and not more than $450.00 per month. The salary of said secretary may be raised above $450.00 per month from time to time with approval of the District Attorney and county governing body. Such salary shall be paid out of the county treasury of said county as the salaries of other county officers and employees are paid.

Section 2. Any such secretary of the said District Attorney is hereby empowered, when so directed by the District Attorney, to attend the grand juries of said county; to prepare indictments, and documents arising therefrom; to transcribe witnesses' testimony heard by said grand jury in said county and to administer oaths in connection therewith or in any other investigations being conducted by the said District Attorney's office.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the month beginning after the passage and approval of this act by the Governor or its otherwise becoming law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 171 H. 221—Moore (O)

AN ACT

To empower the county commission of all counties having a population greater than 600,000 inhabitants according to the most recent federal decennial census to authorize any local bank located within such counties to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations greater than 600,000 inhabitants according to the most recent federal decennial census.

Section 2. The County Commission of any county to which this Act applies is hereby empowered to authorize any local bank located within such counties to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 172 H. 227—Sparks, Crowe

AN ACT

Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for an expense account for the Deputy Sheriffs and to provide for the payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 16,600 nor more than 16,950 population according to the most recent Federal Decennial Census.

Section 2. In all counties to which the Act applies the regular Deputy Sheriffs of said county shall be entitled to receive $150.00 per month as an expense allowance. Funds to cover the above allowance shall be deducted from the General Fund of the counties to which this Act applies.

Section 3. This Act shall become effective immediately upon its passage and otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 173 H. 229—Merrill, Burgess, Quarles, Shelton

AN ACT

Relating to counties having populations of not less than 95,000 nor

more than 115,000 according to the most recent federal decennial census; authorizing the county board of education of every such county to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education and his assistants; and relieving the county commission of every such county of the requirement of furnishing the same.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census.

Section 2. The County Board of Education of every county in which this Act applies is hereby authorized to expend public school funds for comfortable office quarters, necessary furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the County Superintendent of Education of such county and his assistants.

Section 3. The County Commission of every county in which this Act applies is hereby relieved of the duty of providing for the County Superintendent of Education and his assistants any of the items specified in Section 2 hereof.

Section 4. All laws or parts of laws, general, local, or special, in conflict herewith are hereby repealed as to any counties in which this Act applies.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 174 H. 230—Merrill, Burgess, Quarles, Shelton

AN ACT

To amend further Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), which Act, as amended, provides for a council-manager form of government in cities having populations of not less than 30,000 nor more than 33,000 according to the last federal decennial census, amending that section designated 1.04 in said Act so as to provide that the question of adoption of the council-manager form of government may not be re-submitted within two years of an election at which it was not adopted.

Be It Enacted by the Legislature of Alabama:

Section 1. That section designated 1.04 in Act No. 404, S. 430 of the Regular Session of 1953 (Acts 1953, p. 472), is hereby amended to read as follows:

"1.04. Second election not called within two years.—If the council-manager form of government is not adopted at the special election so called, the question of adopting such form of government shall not be re-submitted to the voters of such city for adoption within two years thereafter, and then the question of adopting said form of government may be re-submitted in the manner above provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 175 H. 233—Sparks

AN ACT

Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 16,600 nor more than 16,950 population according to the most recent Federal Decennial Census.

Section 2. In all counties to which the Act applies the County Judge of said County shall be entitled to receive $300.00 per month as a clerk-hire allowance. Funds to cover the above allowance shall be deducted from the General Fund of the counties to which this Act applies.

Section 3. This Act shall become effective immediately upon its passage and otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 176 H. 235—Plaster, Lockett

AN ACT

Relating to all counties having populations not less than 24,000 nor greater than 24,800 according to the most recent federal decennial census; to provide an expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner in all counties having populations not less than 24,000 nor greater than 24,800 according to the most recent federal decennial census shall receive an additional expense allowance of $100.00 per month which shall be paid from any funds of the county.

Such expense allowance shall be in addition to any salary paid the coroner but shall be in lieu of any other expense allowance heretofore provided such corner.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 177 H. 236—Sasser, Williams

AN ACT

To amend Sections 3 and 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts, p. 4151) entitled "An Act To create and establish a Court with county wide limited jurisdiction of criminal cases and civil action at law and in equity which court shall make final record in suits for divorce or separate maintenance, in cases involving domestic relations or the custody of children; to be called the Inferior Court of Dale County, Alabama, to provide for the jurisdiction of said Inferior Court of Dale County, Alabama and the officers thereof; to fix their duties, powers, authority and compensation; to abolish the County Court of Dale County and the Juvenile Court of Dale County and to provide for the transfer of all cases pending in these courts to the newly established court" so as to provide an increase in the jurisdictional amount of said Court, expense allowance for the Judge of said Court in addition to the salary heretofore provided and to provide for the employment of such personnel as is necessary for the efficient operation of said Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 25, H. 18, Second Special Session of 1971, (1971 Acts, p. 4151), an Act creating and establishing an Inferior Court of Dale County, Alabama, is hereby amended to read as follows:

"Section 3. (a) Except as provided in subsection (b) of this subsection, the Inferior Court of Dale County, Alabama, shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases including actions of unlawful detainer, actions for recovery of land, cases of desertions and non support instituted by virtue of Article 3, Chapter 4, Title 34, Code of Alabama (1940), Civil Proceeding to Compel Support instituted by virtue of Article 4, Chapter 4, Title 34, Code of Alabama (1940) which are cognizable before the Circuit Court or a county court or the Juvenile Court or justices of the peace or courts created in lieu thereof, and all courts of like jurisdiction. In exercising jurisdiction in Juvenile court cases the provisions of Chapter 7, Title 13, Code of Alabama 1940 and amendments thereto shall apply. It shall have authority to punish contempts by fine not exceeding fifty dollars ($50) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleading procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts and record.

"(b) The Court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds two thousand five hundred dollars ($2,500.00), nor take cognizance of any matter or proceeding in equity except suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

"(c) All criminal and quasi criminal jurisdiction of the justices of the peace in Dale County is abolished except jurisdiction to issue search warrants and warrants of arrest returnable to the Inferior Court of Dale County, Alabama and over proceedings before the Magistrates to keep the Peace in accordance with Article 2, Chapter 20, Title 15, Code of Alabama 1940 as last amended.

Section 2. Section 11 of Act No. 25, H. 18, Second Special Session of 1971 (1971 Acts, p. 4151), an Act creating and establishing an Inferior Court of Dale County, Alabama, is hereby amended to read as follows:

"Section 11. (a) A Judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1976 and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

"(b) Immediately after the effective date of this act the Governor shall appoint a Judge of the Inferior Court of Dale

County, Alabama, and the person so appointed shall hold office until his successor is elected as provided herein.

"(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Dale County, learned in the law, and has been licensed to practice law in this State for two years. The judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

"(d) The Judge shall receive an annual salary of seventeen thousand dollars ($17,000) per year to be supplemented by an additional expense allowance of four thousand five hundred dollars ($4,500) per year. These sums are payable out of the general fund of the county in equal monthly installments as the salaries and expense allowances of other county officials are paid. The payment of said supplemental expense allowance shall be retroactive to include the month of January 1975 and each subsequent month thereafter.

"(e) The judge shall have authority to: (1) grant writs of certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and ne exeat; (3) administer oaths and take acknowledgements; (4) issue warrants; (5) exercise such other powers, jurisdiction, or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

"(f) The judge shall keep an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

"(g) The commission shall employ such personnel as is necessary for the efficient operation of the Court and shall determine the amount of said salaries. The salaries set forth herein to be paid out of the general fund of the county.

"(h) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code. Such special judge shall be paid out of the general funds of the county the sum of fifty dollars (350) for each day he is called upon to serve during a regular session held pursuant to orders of the court duly spread upon the minutes of the court."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 178 H. 237—Sasser, Williams

AN ACT

Relating to Dale County; providing for the position of Legal Secretary to the District Attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in Dale County the position of Legal Secretary to the District Attorney.

Section 2. The Legal Secretary to the District Attorney shall perform the stenographic and clerical work of the office of the District Attorney in Dale County under the direction of the District Attorney or the Deputy District Attorney; this work may be performed either in the office provided for the District Attorney or in the office of the Deputy District Attorney at the election of the District Attorney.

Section 3. The District Attorney of Dale County is hereby empowered to appoint said Legal Secretary and said secretary shall serve at the pleasure of the District Attorney.

Section 4. The salary of the Legal Secretary is fixed at not less than $3,600.00 per annum to be determined by resolution of Dale County Commission or other governing body of said county. The salary shall be paid in equal monthly installments out of the general funds of Dale County Commission or other governing body of said county.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 179 H. 239—Sasser, Williams

AN ACT

To fix the salary for the Deputy District Attorney for Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Deputy District Attorney of Dale County is fixed at not less than $3,600.00 per annum to be determined by resolution of Dale County Commission or other governing body of said county. The salary shall be paid in equal monthly installments out of the general funds of Dale County by the Dale County Commission or other governing body of said county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 180 S.J.R. 35—Jones

SENATE JOINT RESOLUTION

OPPOSING POLICY OF THE SOCIAL SECURITY ADMINISTRATION WITH RESPECT TO MONTHLY DEPOSITS AND ANNUAL REPORTING OF SOCIAL SECURITY CONTRIBUTIONS AND PETITIONING THE CONGRESS TO ENACT LEGISLATURE TO CONTINUE THE LONG ESTABLISHED POLICY OF QUARTERLY REPORTING AND REMITTANCES OF SUCH CONTRIBUTIONS.

WHEREAS, The State of Alabama entered into an agreement with the Social Security Administration of the Government of the United States on July 1, 1951, to cover employees of public agencies within this State under Old Age Survivors Disability Insurance; and

WHEREAS, Upon entering into this agreement, under Section 218 of the Social Security Act, pursuant to Act 48 of the Fifth Special Session of the Alabama Legislature a State Agency was designated to collect social security contributions from employees of public agencies and remit these contributions to the Social Security Administration; and

WHEREAS, It was by common understanding between the State of Alabama and the Social Security Administration that all contributions would be collected and remitted by the State Agency on a quarterly basis; and

WHEREAS, The Social Security Administration has indicated that it wishes to unilaterally establish a system of monthly deposits and annual reporting of all states and their political subdivisions under Section 218 of the Social Security Act; and

WHEREAS, A majority of the reporting entities in the State of Alabama have limited financial resources and thus would find it difficult to make monthly deposits and annual reports; and

WHEREAS, Ninety percent of the reporting officials do not have sufficient automatic data processing capability to handle a speed-up of collections; and

WHEREAS, It is anticipated that many public entities may decide to terminate social security coverage for their employees and seek other retirements systems; therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama desires to continue the established procedure of quarterly deposits and quarterly reports and therefore opposes any change as it relates to this procedure; and

BE IT FURTHER RESOLVED, That an enrolled copy of this Resolution be forwarded to each member of the Alabama Congressional Delegation, Honorable Russell B. Long, Chairman, Senate Finance Committee and Honorable Al Ullman, Chairman, Ways and Means Committee.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 181 S.J.R. 61—Ellis, Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson

SENATE JOINT RESOLUTION

COMMENDING REPRESENTATIVE PETE TURNHAM ON BEING ELECTED CHAIRMAN OF THE SOUTHERN INTERSTATE NUCLEAR BOARD

WHEREAS our distinguished colleague Representative Pete Turnham of Auburn was recently elected chairman of the Southern Interstate Nuclear Board; and

WHEREAS the Southern Interstate Nuclear Board is a compact between 17 states and Puerto Rico to promote the peaceful use of atomic energy; and

WHEREAS the Southern Interstate Nuclear Board as an arm of the Southern Governor's Conference also promotes the bringing of nuclear-associated industry to the South and was recently expanded by the 1972 Southern Governor's Conference to include all types of energy-related industry; and

WHEREAS Representative Turnham is the first Alabamian to head the Southern Interstate Nuclear Board; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Representative Turnham on being elected chairman of the Southern Interstate Nuclear Board.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Representative Turnham.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 182 S.J.R. 62—Jones

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MONTGOMERY FIREMAN, JAMES MORGAN MCLEOD, WHO WAS KILLED WHILE FIGHTING A FIRE IN NORTH MONTGOMERY.

WHEREAS Montgomery fireman, James Morgan McLeod was killed Saturday morning when a concrete wall collapsed on him while he was fighting a fire at the Koppers Co., Inc., Forestry Products Division in North Montgomery on April 26, 1975; and

WHEREAS Mr. McLeod was a member of Engine Company No. 1, North Court Street Station; and

WHEREAS Mr. McLeod was buried in Troy on Sunday at a service which was attended by a large contingency of his brother firemen and many outstanding public officials and did receive the 13-bell salute traditional for firemen killed in the line of duty; and

WHEREAS Mr. McLeod's actions at the time of his death exemplified the bravery and devotion to duty shown by the Montgomery Fire Department in their day to day activities of protecting the lives and property of the people of Montgomery; and

WHEREAS the Legislature of Alabama wishes to pass this Resolution as a memorial to the life and bravery of this fine man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do mourn the death of James Morgan McLeod and express their deep and sincere sympathy to his family, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the Montgomery Fire Department with the request that it be framed and permanently displayed as a memorial to Mr. McLeod in the Station at which he served.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 183 S. 82—Shelby, Rank

AN ACT

To authorize in each of the several counties of the State the incorporation and organization of one or more hospital authorities, as public corporations, for the purpose of acquiring, owning and operating hospitals and other health-care and related facilities in such county; to provide for the approval, execution, filing, recording and amendment of the Certification of Incorporation of such hospital authorities; to provide that each such hospital authority shall be governed by a Board of Directors; to prescribe the manner of appointment and terms of the members of said Board; to provide for the election of the officers of each such hospi-

tal authority; to vest in each such hospital authority all powers and authority inhering in or conferred upon counties operating public hospitals except as otherwise limited in this act, and to specify with particularity the grant to each such hospital authority of certain powers; to provide that each such hospital authority shall have the power to borrow money and issue bonds, notes and certificates of indebtedness (without regard to any otherwise applicable usury laws) and to secure them by pledging any of its revenues (including any taxes or tax proceeds available to it) and by mortgage, mortgage indenture, trust indenture and to grant to each such authority certain broad powers in connection with any such financing; to specify the uses to which proceeds from such borrowings shall be applied; to grant to each such hospital authority the power to refund and refinance any of its securities and to specify certain details and powers with respect thereto; to provide that securities issued by each such hospital authority shall be legal investments for certain fiduciaries, banks and insurance companies; to exempt each such hospital authority and its property from all state, county and municipal taxation and to exempt the gross proceeds of sales of tangible personal property to and by each such hospital authority, and the storage, use or other consumption by each such hospital authority of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, fromaall state, county and municipal taxation and from the measure of any such taxation imposed on others; to authorize and empower the county in which any such hospital authority is organized and any municipality located (in whole or in part) in such county, as well as certain other public corporations, agencies, authorities and bodies, to transfer and convey to such hospital authority, with or without consideration, any hospitals and other properties, funds and assets owned by it, to deny to each such hospital authority the power of eminent domain and governmental immunity; to provide that the officers, directors, staff members and other employees of any public hospital authority organized hereunder shall be subject to rules and regulations of the State Ethics Commission and that all purchasing, sales and contracts by any such authority shall be made in full compliance with the state competitive bid laws; to provide that, in the event of any transfer of a hospital to any such hospital authority, any taxes, tax proceeds or other revenues theretofore apportioned or allocated to or for the benefit of the prior owner or operator of such hospital (or for patient care thereat) shall thereafter be paid to such authority; and to provide for the dissolution of any such hospital authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize in each of the several counties of the state the organization of a public corporation or corporations for the purpose of acquiring, owning and operating public hospitals and other health-care and related facilities in the county in which such corporation shall be organized. It is the legislative intent to confer on corporations organized hereunder all the powers requisite for the fulfillment of the purposes of their organization, including the power to do whatever financing may be necessary to accomplish such purposes. This act shall be liberally construed to give effect to its purpose. Corporations organized hereunder shall be public, non-profit corporations, and no part of the net earn-

ings thereof shall inure to the benefit of any individual or private corporation.

Section 2. Definitions. The following words, wherever used herein, shall, unless the context clearly indicates otherwise, have the following respective meanings:

(a) "corporation" means a corporation organized pursuant to the provisions of this act;

(b) "county" means any county in this state;

(c) "member" means the county that is a member of a corporation organized pursuant to the provisions of this act and each municipality that is at the time a member of such corporation;

(d) "securities" means notes, bonds, certificates of indebtedness, warrants, or other evidences of indebtedness;

(e) "hospital" includes the plural as well as the singular and means any one or more of buildings or facilities which serve to promote the public health, either by providing places or facilities for the diagnosis, treatment, cure or convalescence of sick, injured, mentally ill or disturbed persons or for the prevention of sickness and disease or for the care, treatment and rehabilitation of alcoholics or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, clinics, sanitoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons or in preventive medicine and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or in preventive medicine or the records of such diagnosis or treatment or research with respect to any of the foregoing, or dormitories or residences for hospital personnel and students and other employee-related facilities, together with (i) all real and personal properties for the location or better utilization of any such buildings and facilities, such as parking structures and areas, garages, storage facilities and out-buildings, and (ii) machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid buildings and facilities;

(f) "chief executive officer" means, with respect to a county, the probate judge as ex officio principal judge of the county commission or the president or chairman of such commission and, with respect to a municipality, the mayor, president or chairman of the commission or other chief executive officer of such municipality; and

(g) "governing body" means, with respect to a county, the county commission and, with respect to a municipality, the council, commission or other governing body of such municipality.

Section 3. Authority to Incorporate. Any county and any one or more municipalities located (in whole or in part) in such county are hereby together empowered and authorized to cause to be organized and incorporated one or more public corporations for hospital purposes with all the power and authority hereinafter provided. Such power and authority shall be exercised by the governing body of the county and by the governing body or bodies of the municipality or municipalities proposing to exercise such power and authority. The determination of such governing body to exercise the power and authority herein granted shall be evidenced by a resolution which (a) shall declare the desirability of organizing and incorporating a public corporation for hospital purposes under this act, (b) shall approve the form of the certificate of incorporation proposed to be used in organizing the corporation, (c) shall find and determine that it is wise, expedient, necessary or advisable that the corporation be formed, and (d) shall authorize its chief executive officer to proceed with the organization and incorporation of such public corporation. Whenever the governing bodies of the county and of the municipality or municipalities which are to be members of such public corporation shall have adopted such resolutions, the chief executive officer of each of them shall sign the certificate of incorporation and cause the same to be filed as hereinafter provided.

Section 4. Certificate of Incorporation. The certificate of incorporation of any public corporation incorporated under this act shall state: (1) the name of the corporation, which shall be 'Hospital Authority of or space to be filled in with the names of the county and of the municipality or municipalities which are to be members thereof or with the name of any hospital proposed to be acquired by the corporation or with such other descriptive name as in the judgment of the members of the corporation is appropriate); (2) the names of the county and the municipality or municipalities which are to be members of the corporation; (3) the dates of adoption by the governing bodies of the county and such municipality or municipalities of their respective resolutions authorizing the incorporation of the corporation; (4) the location of the principal office of the corporation and its post office address; (5) the period for the duration of the corporation (if the duration is to be perpetual, that fact shall be stated); and (6) the objects for which the corporation is organized, including (if appropriate) the name of any existing hospital the ownership or operation of which is proposed to be acquired and assumed by the corporation. The certificate of incorporation may also include any provision or provisions for the regulation and conduct of the affairs of the corporation which are not inconsistent with this act and the laws of the State of Alabama. The certificate of incorporation shall be acknowledged before an

officer authorized by the laws of this state to take acknowledgments to deeds. The certificate of incorporation shall be filed in the office of the judge of probate of the county which is to be a member of the corporation; and said judge of probate shall forthwith file such certificate and record the same, and thereupon the corporation described in said certificate of incorporation shall constitute a public corporation under the name stated in the certificate of incorporation. As soon thereafter as convenient, the judge of probate shall transmit a copy of the certificate of incorporation to the secretary of state.

Section 5. Amendment of Certificate of Incorporation. The certificate of incorporation of any public corporation incorporated under this act may at any time and from time to time be amended in the following manner: The board of directors of directors of the corporation shall adopt a resolution setting forth the proposed amendment, which may include any proposed change in the name of such corporation, the inclusion of another municipality or municipalities as members thereof [provided that each of such other municipalities is located (in whole or in part) in the county which is a member of the corporation], and any matter which might originally have been included in the certificate of incorporation. If the governing body of the county and of each other member of the corporation and the governing body of each municipality (if any) which it is proposed shall be added as a member of the corporation shall by resolution consent to such proposed amendment, the chairman and the secretary of the corporation shall then file, in the office of the judge of probate in the county in which the certificate of incorporation of the corporation is filed, a certificate in the name and on behalf of the corporation, under its corporate seal, reciting the adoption of the said respective resolutions by the board of directors and by the governing bodies of the county and of such municipalities, and setting forth the proposed amendment. The proposed amendment shall become effective upon the filing of such certificate in the said office.

Section 6. Board of Directors. The corporation shall have a board of directors in which all powers of the corporation shall be vested. The board of directors shall consist of (a) two persons elected by the governing body of the county, (b) two persons elected by the governing body of the largest of the member municipalities (according to the Federal Decennial Census next preceding the date of the filing of the certificate of incorporation of the corporation for record), (c) one person elected by the governing body of each of the other member municipalities, (d) two persons [each of whom shall be, at the time of his appointment, a physician licensed to practice the profession of medicine in the county, resident in the county and engaged in the full-time private practice of medicine] elected at a mass

meeting of the licensed physicians resident in the county, and (e) two persons elected or appointed by a majority vote of all the active circuit judges of the judicial circuit in which the county is located (or, in the event that there is at the time only one active circuit judge in said circuit, by such judge) and whose names shall be certified to the corporation by instrument in writing signed by the presiding judge of such circuit (and of those initially so elected and appointed by said circuit judge or judges, one shall be designated an "A" director and the other a "B" director), and (f) two persons elected or appointed by the Central Labor Council in any county where there is a Central Labor Council located. Each member of the board of directors must be a duly qualified elector of the county.

The chief executive officer of the county shall, promptly after the certificate of incorporation of the corporation has been filed for record, as well as within a reasonable time prior to the expiration of the term of office of any director elected at a mass meeting of the physicians in the county and as promptly as practicable after the death, resignation or other vacation of office of any such director, cause to be published one time in a newspaper published in the county a notice of call of a meeting of all the licensed physicians resident in the county, for the purpose of electing one or more directors (as appropriate), and shall specify in such notice the place thereof (which shall be a public place located in the county) and the time thereof (which shall be not less than ten days after the date of such publication). The chief executive officer of the county, or his designee, shall preside (but shall have no vote) at each such meeting and shall thereafter issue to the corporation a certificate in writing showing the name or names of the director or directors elected thereat. Such election shall be held in such manner as the physicians attending such meeting shall provide, and any such meeting may be held and one or more directors elected thereat if at least one-third of the total number of licensed physicians resident in the county are present.

The first term of office of the directors elected by the governing bodies of each of the member municipalities shall expire on the May 1 of the calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The first term of office of the directors elected by the governing body of the county and of the "A" director elected or appointed by the active circuit judge or judges of the county as aforesaid shall expire on the May 1 of the second calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The first term of office of the directors elected at the aforesaid mass meeting of all the physicians in the county and of the "B" director elected or appointed by the active circuit judge or judges of the county as aforesaid shall

expire on the May 1 of the third calendar year next succeeding the calendar year in which the certificate of incorporation of the corporation was filed for record. The term of office of each director elected or appointed thereafter (other than one elected or appointed to fill an unexpired term) shall be three years. Each director elected or appointed by the University of Alabama or the Central Labor Council shall serve for a three-year term after the date of appointment. Each member of the board of directors shall serve until his successor is elected and shall qualify. If any director dies or resigns or ceases to be a duly qualified elector of the county or becomes incapable or otherwise ineligible to act as a director, a successor to serve for the unexpired period of his term shall be elected or appointed by the electing or appointing authority by whom the deceased, resigning, incapable or ineligible director was elected. Directors shall be eligible to succeed themselves in office. The members of the board of directors shall serve without compensation, except they may be reimbursed for actual expenses incurred in the performance of their duties as directors.

A majority of the members of the board of directors shall constitute a quorum for the transaction of business but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and duties of the corporation. The board of directors shall hold regular meetings at such times as may be provided in the bylaws of the corporation; and such board may hold other meetings at any time and from time to time, provided that upon call of the chairman or a majority of the total number of directors, a special meeting of the board of directors must be held. Whenever any notice is required hereby or by the bylaws of the corporation to be given of any meeting of the board of directors, a waiver thereof in writing signed (whether before or after such meeting) by the person or persons entitled to such notice shall be the equivalent to the giving of such notice. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board of directors shall be taken by yeas and nays and entered upon the record. All proceedings of the board of directors shall be reduced to writing by the secretary of the corporation, recorded in an appropriate book or books. Copies of such proceedings, when certified by the secretary of the corporation under its seal, shall be received in all courts as evidence of the matters and things therein certified. All board meetings of the hospital authorities shall be open to the public except as otherwise provided by law. Any member of the board of direc-

tors may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of officers mentioned in said Section 175.

Section 7. Officers. The officers of the corporation shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board of directors shall deem necessary to accomplish the purposes for which the corporation was organized. The chairman and the vice-chairman of the corporation shall be elected by the board of directors from its membership, but neither the secretary, the treasurer nor any of the other officers of the corporation need be a member of the board of directors. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman and the vice-chairman of the corporation shall be elected by the board of directors for a term of one year, and the secretary, the treasurer and the other officers of the corporation shall be elected by the board of directors for such terms as it deems advisable. The board of directors shall have also the authority to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the board of directors. The duties of any other officers of the corporation shall be such as are from time to time prescribed by the board.

Section 8. Powers of Corporation. The corporation shall have all the powers and authority inhering in, or conferred upon, counties in the State of Alabama operating public hospitals, except as otherwise provided, as well as the following specific powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as herein provided; (2) subject to the limitations contained in the preceding provisions of this Section 8, to sue and be sued in its own name in civil (including ex delicto and ex contractu) actions; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt bylaws and amend the same; (5) to receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real and personal property of every description, and to manage and dispose of the same by any form of legal conveyance or transfer; (6) to acquire, construct, equip, enlarge, improve, maintain and operate one or more hospitals, and to do all things necessary to that end; (7) to contract with any institution for the instruction of medicine to provide training for

nurses, technicians and other technical, professional and paramedical personnel upon such terms, conditions and number of years as they may determine; (8) to conduct training schools; (9) to provide scholarships for students to be engaged in essential duties peculiar to the operation of such hospitals in such manner as they may determine; (10) to select and appoint medical staff and dental staff members and others licensed to practice the healing arts and to delineate and define the privileges granted each such individual; (11) to affiliate with, and contract to provide training and clinical experience for students of, other institutions upon such terms and conditions as it may determine; (12) to rent, lease or contract for the operation of any department, section, equipment or holdings of the corporation upon such terms and conditions as it may determine; (13) to borrow money for any corporate purpose and to issue interest-bearing securities (including bonds, notes and certificates of indebtedness) in evidence of any such borrowing; (14) to mortgage, pledge or otherwise convey its property and its revenues from any source; (15) to appoint and employ such officers and agents, including attorneys, as the business of the corporation may require; (16) to establish, collect and alter charges for services rendered and supplies furnished by it; (17) to make all needful or appropriate rules and regulations for the conduct of any hospital owned or operated by it and to alter such rules and regulations; (18) to provide for such insurance as the corporation may deem advisable; (19) to cooperate with the State Board of Health and the State Department of Mental Health; (20) to make such contracts with either of said agencies as the board of directors of the corporation may deem advisable respecting the operation of any hospital; (21) to receive and accept grants from the United States of America, the State of Alabama and any county or municipality located in said state, and from any agency or instrumentality thereof, and to give such assurances (contractual or otherwise) to or for the benefits of any such grantor as may be required in connection with, or as conditions precedent to the receipt of, any such grant; (22) to give such assurances (contractual or otherwise) and to make such commitments and agreements as may be necessary or desirable to preclude the exercise of any rights of recovery with request to, or the forfeiture of title to, any of its hospitals or other property or any hospital or other property proposed to be acquired by it; (23) to make and alter rules and regulations for the treatment of indigent patients; (24) to assume any obligations of any entity that conveys and transfers to the corporation any hospital or hospital properties, or interest therein (provided that such obligations appertain to the hospital or hospital properties so conveyed and transferred to the corporation); (25) to assume, establish, fund and maintain retirement, pension or other employee-benefit plans for its employees; and (26) to invest any of its moneys in (a) securities

that are direct obligations of, or the payment of the principal of and the interest on which is unconditionally guaranteed by, the United States of America, (b) securities that are direct obligations of any agency of the United States of America, (c) interest-bearing deposits (including certificates of deposits) of any bank organized under the laws of the United States of America or any state thereof, and (d) securities of the corporation.

Section 9. Borrowing by the Corporation. All securities of the corporation shall be signed in the name and behalf of the corporation by its chairman and attested by its secretary but a facsimile of the signature of one, but not both, of such officers may be printed thereon in lieu of the manual signature of such officer, and the seal of the corporation shall be affixed thereto or a facsimile thereof printed thereon. Any interest coupons applicable to any securities of the corporation shall be signed by its chairman, but a facsmilie of such chairman's signature may be printed on any such interest coupons in lieu of his manually signing the same. Any securities of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denomination and of such tenor and maturity or maturities (not exceeding forty years from their date), shall contain such provisions not inconsistent herewith, and shall bear such rate or rates of interest (without regard to any laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended) payable and evidenced in such manner as may be provided by the resolution of the board of directors authorizing the same or by the trust or mortgage indenture under which issued. Any borrowing may be effected by the issuance and sale of such securities in such manner, at such price or prices, at such time or times and on such other terms and conditions as may be determined by the board of directors to be most advantageous, without regard to any statute that might otherwise require a public advertised sale. The corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary and advantageous in connection with any financing done by it. Securities issued by the corporation shall not be general obligations of the corporation but shall be payable solely from the sources specified in the resolution of the board of directors authorizing the same or in the trust or mortgage indenture under which issued. As security for payment of the principal of and the interest (and premiums, if any) on any securities issued by it, the corporation may mortgage, pledge or otherwise convey any of its property and any of its revenues from any source, including, but without limitation, any one or more of the following: (a) any taxes which may be levied for the benefit of the corporation or any

hospital owned or operated by it or the proceeds of which may have been appropriated to the corporation (or to or for the benefit of any hospital owned or operated by it) by the legislature or by the governing body of a county or a municipality, and (b) revenues from any hospital owned or operated by it. Any mortgage or trust indenture executed on behalf of the corporation as security for any of its securities, and any resolution of the board of directors authorizing the issuance of any such securities, may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of its properties, the application and use of the taxes or revenues (or both) out of which any such securities are payable, the rights or duties of the parties to such instruments or the parties for the benefit of whom such instrument is made and the rights and remedies in the event of default, and may also contain provisions restricting the individual rights of action of the holders of any such securities; and any such mortgage or mortgage indenture may also provide that in the event of any default thereunder, it may be foreclosed either by sale at public outcry or by judicial proceedings and that the trustee under such mortgage or mortgage indenture or the holders of any securities secured thereby may become the purchaser at any foreclosure sale if the highest bidder. Any such mortgage or mortgage indenture may be filed in the office of the judge of probate of any county in which any of the property (real, personal or mixed) subject to the lien thereof is, or is anticipated to be, located, and the lien of such mortgage or mortgage indenture shall, with respect to all personal property and fixtures subject thereto (including after-acquired property) and notwithstanding any contrary provisions of and without compliance with the Uniform Commercial Code, be valid and binding against all parties having claims of any kind against the corporation, irrespective of whether the parties have actual notice thereof, from the time such mortgage or mortgage indenture is so filed. Any such pledge of any such taxes or revenues shall be valid and binding from the time it is made, and the taxes or revenues so pledged and thereafter received by the corporation shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall, notwithstanding any contrary provisions of the Uniform Commercial Code and without compliance with the provisions thereof, be valid and binding against all parties having claims of any kind against the corporation, irrespective of whether the parties have actual notice thereof, from the time there is filed in the office of the judge of probate of the county a notice stating the date on which the resolution authorizing the issuance of the securities was adopted by the board, the principal amount of the securities issued, a brief description of the taxes or revenues so pledged and a brief description of any property the revenues from which are so pledged.

All debts created and securities issued by the corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the State of Alabama or of any county or municipality. The faith and credit of the State of Alabama or of any county or municipality therein shall never be pledged for the payment of any securities issued by the corporation. All securities issued by the corporation shall be construed to be negotiable instruments although payable solely from one or more specified sources. All securities issued by the corporation, the income therefrom, and all mortgages and other instruments executed as security therefor, all leases made pursuant to the provisions hereof and all revenues derived from any such leases and all deeds and other documents executed by or delivered to the corporation shall be exempt from all taxation in the State of Alabama.

Section 10. Use of Proceeds. The principal proceeds derived from any borrowing made by the corporation hereunder (other than borrowings made for refunding purposes) shall be used solely for the purpose or purposes for which such borrowing was authorized to be made, including architects' and engineers' fees; legal, fiscal and recording fees and expenses incurred in connection with such borrowing; the interest to accrue on any securities issued in evidence of such borrowing during a period of not exceeding thirty-six months after the date of such borrowing; the reimbursement to itself (or to its general fund or any one or more of its other funds), to the county in which the corporation is organized, to any municipality located (in whole or in part) in such county and to any public agency, authority or body in such county, of any funds advanced to or for the benefit of the corporation or any hospital owned by it and in anticipation of the issuance of securities by the corporation (including the amount of any interest paid or incurred on any borrowings made for the purpose of obtaining funds to advance to or for the benefit of the corporation or such hospital); and the creation of such reserves for the payment of debt service on any such securities and for the maintenance, repair, replacement, improvement and enlargement of any of its hospitals and other properties as the board of directors shall deem advisable. Any portion of the principal proceeds derived from any such borrowing not needed for any of the purposes for which such borrowing was authorized to be made shall be applied and used (a) for retirement of the securities issued in evidence of such borrowing or (b) for payment of the interest thereon or (c) for payment into one or more special funds created for payment of principal or interest (or both) or for the creation of reserves for the payment of debt service or for maintenance, repair, replacement, improvement or enlargement or (d) for any combination thereof, all as shall be specified in the mortgage or trust indenture under which such securities are

issued or in the resolution of the board of directors authorizing any such borrowing.

Section 11. Refunding Securities. The corporation may at any time and from time to time issue refunding securities for the purpose of refunding any securities of the corporation theretofore issued hereunder and then outstanding, whether or not such securities shall have matured or are redeemable at the option of the corporation at the time of such refunding; provided however, that the maximum principal of securities that the corporation may at any time issue for refunding purposes shall not exceed the sum of (a) the outstanding principal or face amount of the securities being refunded, (b) the unpaid interest accrued thereon to the date that such refunding securities are issued, (c) any redemption premium necessary to be paid in order to redeem the securities to be refunded, and (d) the expenses estimated to be incurred in connection with such refunding. The principal proceeds derived by the corporation from the sale of any refunding securities shall be used only for the payment of the principal of and the interest (and premium) on the securities being refunded and for payment of the aforesaid expenses; provided however, that such proceeds may, if in the judgment of the board of directors of the corporation such is necessary or desirable to effect an advantageous refunding, use a portion of said proceeds for payment of principal of and interest on such refunding securities themselves and the remainder of said proceeds for payment of the securities being refunded and of said expenses; and provided further, that in any event any portion of said proceeds that shall at the time not be needed for any of such purposes may, pending need therefor, be invested in such investments as are specified in Section 8 hereof. Any such refunding may be effected either by sale of the refunding securities and the application of the proceeds thereof as aforesaid, or by exchange of the refunding securities for the securities to be refunded thereby, or by any combination thereof; provided that the holders of any securities so to be refunded shall not be compelled without their consent to surrender their securities for payment or exchange prior to the date on which they may be paid or redeemed by call of the corporation under their respective provisions. All provisions of this act pertaining to securities of the corporation that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding securities issued by the corporation. The corporation may at any time and from time to time issue securities both for the purpose of no refunding any of its securities and for any other purpose for which it is authorized to issue securities, in which event the provisions hereof respecting refunding, securities shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing

shall apply to the remaining portion of such combined issue.

Section 12. Investment of Trust Funds in Securities of Corporation. Securities issued under this act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of this state.

Section 13. Corporation to be Tax Exempt. All property, real, personal or mixed, that may be owned by the corporation, and the corporation itself, shall be exempt from all state, county, and municipal taxation, including (without limitation) income, excise, privilege and license taxation. Further, the gross proceeds of sales of tangible personal property to or by the corporation, and the storage, use or other consumption by the corporation of tangible personal property, as well as the gross proceeds from the lease or rental of tangible personal property by or to the corporation, shall be exempt from all such state, county and municipal taxation and from the measure of any such taxation imposed on others.

Section 14. No Power of Eminent Domain. The corporation shall not have the power of eminent domain.

Section 15. No hospital authorized under this act shall have governmental sovereignty or immunity.

Section 16. The officers, directors, and any others who have authority to make purchases or sales for or on behalf of the hospital, or to enter into contracts therefor, of any public hospital authority, incorporated under the provisions of this act, shall be subject to the rules and regulations of the State Ethics Commission as promulgated under the authority of the State Ethics Act of 1973 and all subsequent amendments thereto.

Section 17. All purchases, sales and contracts of any public hospital authority incorporated under the provisions of this act shall be administered in full compliance with the provisional requirements of the state competitive bid laws (Code of Alabama 1940, Title 55, Chapters 21-24).

Section 18. Any hospital established under this act shall at the end of each fiscal year publish in a daily newspaper located in the same county a financial statement listing all assets and liabilities and all bonded indebtedness, including the Expenditures for the fiscal year.

Section 19. One or More Corporation May Be Organized. The formation of one corporation under the provisions of this act shall not prevent the subsequent formation hereunder of another corporation by the same county and the same municipality

or municipalities or another municipality or municipalities in such county.

Section 20. Provisions Exclusive. Any corporation organized under the provisions of this act shall, insofar as the subject matter of this act is concerned, be governed exclusively by the provisions of this act, which shall not be construed in pari materia with any other statute.

Section 21. Transfer of Funds and Property by Counties and Municipalities. The county in which the corporation is organized, any municipality located (in whole or in part) within such county (whether or not a member of such corporation), any public corporation in such county and any other public agency, authority or body (whether or not incorporated) located or having its principal office in the county are hereby authorized to transfer and convey to the corporation, with or without consideration, any hospital and other properties, real or personal, and all funds and assets, tangible or intangible, relative to the ownership or operation of any hospital that may be owned by such county, municipality, public corporation, or public agency, authority or body, as the case may be, or that may be jointly owned by any one or more thereof, and any funds owned or controlled by such county, municipality, public corporation, or public agency, authority or body, as the case may be, or jointly by any one or more thereof, that may have been raised or allocated for any of the purposes for which the corporation shall have been organized; provided, that such transfer or conveyance shall be authorized by an ordinance or a resolution duly adopted by the governing body of such county, municipality, public corporation, or public agency, authority or body, as the case may be. Further, in the event of the transfer of any hospital to the corporation, any taxes, tax proceeds and other revenues that are apportioned or allocated to or for the benefit of the prior owner or operator of such hospital, or for patient care at such hospital, shall thereafter be paid to the corporation.

Section 22. Dissolution of Corporation. If at any time the corporation shall be outstanding no unpaid securities and if each member of the board of directors of the corporation shall execute and file for record in the office of the Judge of Probate of the county in which the corporation is organized a certificate of dissolution reciting the fact that the corporation has outstanding no unpaid securities, stating that it is in the best interests of the public for the corporation to be dissolved and declaring the corporation to be dissolved, the corporation shall thereupon stand dissolved, and title to all funds and properties owned by it at the time of such dissolution shall vest, jointly, in the county and the largest of the member municipalities (according to the Federal Decennial Census next preceding the

date of the filing of the certificate of incorporation of the corporation for record) whereupon possession of such funds and properties shall forthwith be delivered to the county and such largest member municipality.

Section 23. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provision of this act, which shall continue effective.

Section 24. Effective Date. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 184 S. 89—Perry

AN ACT

To create the office of supernumerary sheriff in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, there is hereby created the office of supernumerary sheriff. All persons who have served for at least 12 years as sheriff of such counties and who are not less than 60 years of age, may elect to become a supernumerary sheriff by filing a statement under oath with the Secretary of State which states that such person meets the qualifications of such office.

Section 2. Upon receipt of such statement filed under Section 1 of this act the Secretary of State shall issue a certificate naming such person as a supernumerary sheriff in the county in which he has served.

Section 3. Such supernumerary sheriff shall be paid a salary of $250.00 per month from the county general fund and shall advise the county sheriff's department on law enforcement problems as the need arises.

Section 4. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 185 S. 91—Mitchell

AN ACT

To provide an additional expense allowance for the circuit court reporter of the Second Judicial Circuit payable by the counties composing said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be paid to the circuit court reporter of the Second Judicial Circuit, by the counties composing the circuit, an additional annual expense allowance of $2,000.00. Such allowance shall be in addition to any compensation now payable to the court reporter and shall be paid monthly from the general funds of the counties composing the said judicial circuit on a prorata basis calculated upon the assessed value of taxable property in the counties of the circuit for the previous fiscal year, as shown by the records in the tax assessor's offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in the county bears to the total assessed value of the property within the judicial circuit.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 186 S.109—Weaver

AN ACT

To amend further Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act which regulates further the procedure

for the abandoning the commission form of government and the reorganization of the city government thereafter in all cities of this state which have populations of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, in order to provide for an option of the council in electing its mayor and aldermen in subsequent municipal elections after the first election held following abandonment of the commission form of government; and to provide the conduct of such election in the event such option is exercised by the Council.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109) is amended to read as follows:

"Section 5. After the election of a mayor and five aldermen as provided in Section 3 of this Act, the organization of the government of such cities shall be as provided for in the general municipal laws applicable to such city, and subsequent municipal elections in such city shall in all respects be governed by the general municipal election laws applicable to such city; provided, however, such subsequent elections shall be held on the second Tuesday in August four years after the election under Section 3 of this Act, and run-off elections, if any, on the first Tuesday after the second Monday in September every four years thereafter; and further provided, however the council may by ordinance adopted not less than 90 days prior to any subsequent municipal election provide for the election of its mayor and five aldermen in subsequent municipal elections in the same manner that the mayor and aldermen were elected in the first election after the abandonment of the commission form of government as provided for in Section 3 of this Act to this extent, namely, the aldermen shall be elected by the city at large, and candidates for such office may reside anywhere within the city. Candidates must file certificates of qualifications and declarations of candidacy with the city clerk not later than five o'clock p.m. on the first Tuesday in July preceding the date set for the election. The positions on the council shall not be numbered or otherwise individually designated and no person shall be a candidate for a particular place on the council. The election shall be held on the second Tuesday in August next following such call. Voters at such elections may vote for not less than one (1) nor more than five (5) candidates for office of alderman. In the event a candidate for mayor and five candidates for aldermen, each, do not receive a majority of the votes cast in that election, then a second or run-off election shall be held on the first Tuesday after the second Monday in September next following. In the second election there shall be only two candidates for mayor and twice as many candidates for aldermen as there are positions to be filled. The candidates for mayor receiving the highest and next highest number of votes in the first election hereinabove provided for shall be the only candidates for

mayor in the second election. In the event no candidate for alderman receives a majority of votes cast in the first election, then the ten candidates receiving the ten highest votes in the first election shall be the only candidates in the second election. In the event only one candidate for alderman receives a majority of the votes cast in the first election then the eight candidates receiving the eight highest number of votes but not a majority shall be the only candidates in the second election. In the event that two or more candidates for the office of alderman, each, receive a majority of the votes cast in the first election then there shall be twice as many candidates in the second election as there are positions remaining to be filled; and the appropriate number of candidates to make two for each office to be filled, receiving the highest number of votes but not a majority in the first election, shall be the only candidates in the second election. The candidate or candidates receiving the highest number of the votes cast in the second election shall be elected, so that only one mayor and five aldermen shall be elected.

"The mayor and aldermen elected at such subsequent elections shall hold office for a term of four years from the first Monday in October following their respective elections and until their successors have been elected and have qualified."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 187 H.J.R. 30—Folmar

HOUSE JOINT RESOLUTION

DECLARING THE SECOND WEEK IN MAY AS "MUNICIPAL CLERKS' WEEK"

WHEREAS the municipal clerks of our cities and towns are of paramount importance to the detail functions of the community; and paramount importance to the detail functions of the community; and

WHEREAS the municipal clerks are the key source of knowledge in any community and are dedicated to their office and perform their duties and obligations in a sincere, honest and loyal manner; and

WHEREAS the municipalities would be mterially handicapped were it not for the conscientious, unswerving and untiring efforts of their clerks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the second Week of May of each year is hereby designated as "Municipal Clerks' Week."

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 188 H.J.R. 46—Crowe

HOUSE JOINT RESOLUTION

AUTHORIZING PAYMENT OF EXPENSES FOR ALABAMA'S REPRESENTATIVE AT THE SOUTHERN INTERSTATE NUCLEAR BOARD.

WHEREAS the Southern Interstate Nuclear Board will hold its Fourteenth Annual Meeting between April 20-23 in Kansas City, Missouri where a number of outstanding speakers will outline the many phases of the problems and goals to be achieved in the uses of nuclear energy and will lend their expertise to a discussion of the states' role in nuclear energy; and

WHEREAS Governor Wallace has appointed Representative Pete Turnham to represent this state at the meeting; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representative Turnham's expenses in attending this meeting be paid out of any funds appropriated for the use of the legislature, with such expenses not to exceed $300.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 189 H.J.R. 60—Lee

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

In order to rededicate Alabamians to the principles of the democratic form of government to emphasize that ours is a government of law and not of men; and to further the philosophy

that "the welfare of the people shall be the supreme law," therefore, be it

RESOLVED, That the Governor of Alabama is hereby requested to designate and dedicate May 1 of each year as LAW DAY USA; and be it further

RESOLVED, That it is not the purpose of this resolution to declare another legal holiday, but a day for rededication by the citizens of Alabama to the principles of democracy, a respect for law that is so vital to the democratic way of life, and to the support of our state and federal courts which uphold and safeguard individual rights and liberties.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 190 H.J.R. 69—Plaster, Drake, McCorquodale, Merrill, Crawford, Edwards, Turnham

HOUSE JOINT RESOLUTION

NAMING THE AUTAUGA COUNTY AIRPORT "THE GROUBY AIRPORT"

WHEREAS Autauga County has constructed an airport in Autauga County; and

WHEREAS this airport was constructed to aid in bringing more industries into this area and to serve the industries and local owners of airplanes presently in this area; and

WHEREAS the late Judge E. A. Grouby was instrumental in attempting to have an airport in Autauga County for some fifteen years; and

WHEREAS after his election to Probate Judge in 1966 he continuously worked toward the construction of the airport, which is now a reality; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Autauga County Airport be named and known as "The Grouby Airport."

BE IT FURTHER RESOLVED That the authorities of said airport so designate said airport by appropriate signs, plaques or otherwise.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 191 H.J.R. 95—Naramore, Crowe

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. A. C. RAMSEY OF WALKER COUNTY.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Mrs. A. C. Ramsey of Walker County; and

WHEREAS, Mrs. Ramsey was a devoted community builder who served her people with great love and dedication; and

WHEREAS, Mrs. Ramsey was ever ready to contribute to the needs of her neighbors and for the progress and betterment of her hometown, state and country, having contributed immeasurably of her time and talents to the work of various youth organizations in Walker County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. A. C. Ramsey of Walker County and express our deep and sincere sympathy to the members of her family to whom a copy of this resolution shall be sent.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 192 H.J.R. 96—Crowe, Naramore

HOUSE JOINT RESOLUTION

COMMENDING MRS. EDITH RICHARDSON OF JASPER FOR HER MANY YEARS OF DEDICATED WORK WITH THE MARCH OF DIMES AGAINST BIRTH DEFECTS, AND HER DEVOTED SERVICE TO THE YOUTH OF WALKER COUNTY.

WHEREAS, Mrs. Edith Richardson of Jasper has for many years been an untiring worker for the March of Dimes against birth defects and has given generously of her time and talents for the betterment of youth in Walker County; and

WHEREAS, Mrs. Richardson's enthusiasm for her work, her attributes of friendliness, and her personal charm have served as an inspiration to all with whom she has come in contact; and

WHEREAS, she stands ever ready to contribute to the needs of her neighbors and to the progress and betterment of her community, her state and her country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mrs. Edith Richardson for her devoted and dedicated service to the March of Dimes and the young people of Walker County.

RESOLVED FURTHER, that a copy of this resolution be sent to Mrs. Edith Richardson.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 193 H.J.R. 97—Crowe, Naramore

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. LEE ESTELLE ON THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, Mr. and Mrs. Lee Estelle of Cordova have now been married for fifty years; and

WHEREAS, this remarkable couple has contributed generously of their time, talent and means for the betterment of their community and have exhibited throughout their lives those admirable attributes of friendliness, devotion to duty, and concern for their fellowmen; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. and Mrs. Lee Estelle of Cordova upon the happy occasion of their Golden Anniversary and wish for them a happy Diamond Anniversary 25 years hence.

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. and Mrs. Lee Estelle.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 194 H.J.R. 100—Quarles, Carter

HOUSE JOINT RESOLUTION

COMMENDING TOMMY EDEN OF MONTGOMERY UPON BEING ELECTED VICE PRESIDENT OF THE STUDENT GOVERNMENT ASSOCIATION AT AUBURN UNIVERSITY.

WHEREAS Tommy Eden, the son of Mr. and Mrs. Tom Eden of Montgomery, Alabama, who is a junior at Auburn University, was elected vice president of the Student Government Association in a campus-wide election; and

WHEREAS Tommy has served as a senator in the Student Government Association this past year; and

WHEREAS Tommy was appointed by Auburn University President Harry Philpott to the University Traffic and Parking Committee; and

WHEREAS he is a political science major and plans to attend law school; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do compliment Mr. Tommy Eden upon being elected vice president of the Student Government Association and do wish him well in his future education and endeavors in life.

BE IT RESOLVED That the Clerk of the House send a copy of this resolution to Tommy Eden and his parents.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 195 H.J.R. 105—Andrews

HOUSE JOINT RESOLUTION

COMMENDING THE SWITCHBOARD OPERATORS IN THE ROTUNDA FOR OUTSTANDING SERVICE TO THE LEGISLATURE.

WHEREAS, Mildred Auxford, Mary Burt, Mildred Griffin and Ann Stephenson are ever ready to zealously and enthusiastically serve the members of the legislature; and

WHEREAS, these charming ladies have throughout each legislative day exhibited those admirable attributes of friendliness, perserverance and devotion to duty; and

WHEREAS, their vivacity and warm personal manner is sincerely appreciated by all legislators; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend these ladies for their outstanding service to the legislature.

RESOLVED FURTHER, That a copy of this resolution be presented to each of these switchboard operators.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 196 H.J.R. 106—Kinsey

HOUSE JOINT RESOLUTION

COMMENDING HOWARD I. HENSON ON BEING NAMED AFL-CIO MAN OF THE YEAR.

WHEREAS Howard I. Henson, Regional Manager of the Laborers' International Union of North America, was presented the AFL-CIO Man of the Year Award on April 12, 1975; and

WHEREAS this is a prestigious honor to have bestowed on a man who has done much to further labor relations in Alabama and the Southeastern United States; and

WHEREAS Howard I. Henson will continue to strive towards the goal of all workers having dignity and economic freedom; and

WHEREAS this Legislature greatly appreciates the assistance Howard I. Henson has given the working people of Alabama; now therefor

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Howard I. Henson on being presented the Organized Labor and Workmen's Circle 1975 Man of Year Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Howard I. Henson at the Regional Office of the AFL-CIO, 1961 N. Druid Hills Road, N.E., Spite 201A, Atlanta, Georgia 30329.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 197 H.J.R. 107—Smith (C), Mitchem, Smith (M), Weeks, Plaster, Edwards, Sandusky, Whatley, Kinsey, Moore (W), Gafford, Smith (J), Cross, Howard

HOUSE JOINT RESOLUTION

COMMENDING THE FARMERS OF THIS STATE FOR THEIR VALUABLE SERVICES TO MANKIND.

WHEREAS the farmers of this state and nation have increased in productivity throughout the years to the point where each farmer is providing food and fiber for a large number of his fellow citizens; and

WHEREAS these services of the farmer are often taken for granted by his fellow citizens and the farmers' plight and problems are not fully appreciated; and

WHEREAS the Legislature is vitally concerned about the economic plight of the farmer especially in view of the fact that his costs for fertilizer, fuel, seed, equipment and supplies are going up to almost prohibitive prices; and

WHEREAS the Legislature wishes to express concern of their situation and to encourage them in their efforts; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does commend the farmers of America and Alabama for their valuable services to mankind and does encourage businesses and industry to extend all the help they can to the farmer in every way in order that they might continue to operate at their high degree of efficiency and to provide their fellowman with inexpensive food and fiber as they have always done in the past.

BE IT FURTHER RESOLVED That copies of this resolution be sent to each House of the United States Congress and that they be encouraged to consider every means possible to assist the farmers of this nation to overcome their current difficulties.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 198 H.J.R. 112—Quarles

HOUSE JOINT RESOLUTION

CONGRATULATING MISS TERESA DIANE ALLMAN ON BEING CHOSEN "MISS SPRINGVILLE HIGH SCHOOL —1975"

WHEREAS Miss Teresa Diane Allman, the pretty and vivacious daughter of Mr. and Mrs. Bob Allman, has been chosen as "Miss Springville High School of 1975"; and

WHEREAS Miss Allman is a varsity cheerleader, a member of the Pep Club, the "S" Club, was a Tiger Sweetheart in 1973, was a Junior Cheerleader for three years, was a member of her church choir and a member of the Order of Rainbow for Girls; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Miss Teresa Diane Allman upon being chosen "Miss Springville High School of 1975" and do wish her every success in her future endeavors in life.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Miss Allman, her parents, and to Springville High School.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 199 H.J.R. 113—Dial

HOUSE JOINT RESOLUTION

COMMENDING THE LINEVILLE HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

WHEREAS the Lineville High Aggies won their area championship for the 1974 season with a nine win, one loss record; and

WHEREAS this fine record is a result of excellence in every phase of the game, developed by long hours of practice and concentration; and

WHEREAS Coach John Moore and his assistants are due much credit not only for the technical skills displayed by the team but also for their fine spirit and winning attitude; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Lineville High School Football Aggies on their outstanding record for the 1974 season.

RESOLVED FURTHER, That copies of this resolution be sent to Principal Charles H. Lee, Coach John Moore, assistant coaches Steve Calabro, Arthur Oliver, and Tommy Cato and

to team Captains Hobert Horne, Larry Robertson, team members, Terry Ackles, Leon Denny, Tony Graben, Anthony Joiner, Donnie Lindsey, Dewayne Reid, Micheal Smith, Tom Zorn, Brain Butler, Derwin Rush, Jimmy Pettus, Ben Griffin, Joe Minter, George Smith, Frank Thomas, Danny Rush, John Garrett, Larry Forbus, Keith Gibson, Randall Knepper, Mike Horn, Lamar Dewberry, Barry Kidd, Doyle Loveless, Dale McCollum, Royce McClain, Mike Pittard, Tim Saxon, and team managers Anthony Brown, Randy Nelson, Rod Nelson, Don Griffin, and Jim Sparks.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 200 H.J.R. 114—Dial, Teague

HOUSE JOINT RESOLUTION

WISHING THERON T. REAGAN A LONG AND HAPPY RETIREMENT.

WHEREAS Theron T. Reagan recently retired after twenty-two years with the Farm Home Administration in Talladega and Clay Counties; and

WHEREAS at the time of his retirement Mr. Reagan was the assistant director and was a man of deep insight, keen discrimination and rare judgment; and

WHEREAS Mr. Reagan was a very versatile man, sensitive to the needs of his community and one who contributed generously to every worthwhile endeavor for the betterment of his area; and

WHEREAS this body wishes to express its deepest appreciation to Theron T. Reagan for his most successful administration as assistant director with the Farm Home Administration in Talladega and Clay Counties and wish to extend to him every best wish for his long years of fruitful endeavor as well as for many years of enjoyable retirement which he so richly deserves; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature expresses its profound thanks to Theron T. Reagan for his many contributions to his fellow citizens of this State and do wish him a long and happy retirement.

BE IT FURTHER RESOLVED That copies of this resolu-

tion be sent to Mr. Reagan and to the local papers in Talladega and Clay Counties.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 201 H.J.R. 115—Smith (J)

HOUSE JOINT RESOLUTION

COMMENDING CERTAIN PERSONS, GROUPS, AND ORGANIZATIONS FOR AID RENDERED DURING THE RECENT FLOODING IN GENEVA, ALABAMA.

WHEREAS from the 10th until the 14th of April of this year, Geneva, Alabama was inundated by floodwaters which destroyed property and drove approximately one hundred families from their homes; and

WHEREAS during this disaster, many organizations, groups, and individuals worked tirelessly to reduce suffering and loss caused by the rampaging waters; and

WHEREAS this legislature wishes to join the people of Geneva in expressing sincere thanks to those individuals and groups for their deep concern and immeasurable assistance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our heartiest commendations and most sincere thanks to every person, group or organization who assisted the people of Geneva during the recent flooding, including the following:

General William J. Maddox, 46th Eng. Bn., Ft. Rucker; Lt. Crandell 108th Quarter Master Co., Corps of Engineers, Panama City, Florida; Jack Smith, Engineer, State Highway Department; Sam Wainwright, Wainwright Engineers; Women's Auxilliary of the Fraternal Order of Police; Geneva Police Department; Department of Pensions and Securities; A. S. C.; Geneva County Health Department; Sheriff and Deputy Sheriffs; American Red Cross; Rescue Squads; Mayor Hugh Herring, Jr.; City Officials and Employees; Public Safety Department; Bryson Equipment Co., Samson, Alabama; Jack Smith of Smith Brothers; Troop 50, Explorer Scouts, Ft. Rucker; Captain Rystrom; Captain Ken Jones, Commander 117 Artillery; National Guard; Captain Marion Brock and Lt. Ted Roquemore, 117 Field Artillery; Opp, Alabama; large group of Geneva High School boys; Joe Frank Collins and equipment; Civil Defense, State and County; Radio Station WGEA, Women

of Geneva for furnishing food day and night for those who worked and to all citizens and residents of surrounding areas.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 202 H.J.R. 117—Lewis, Kennedy

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF PERCY LEVON JULIAN

WHEREAS Percy Levon Julian, an internationally known research scientist who developed a low-cost synthetic method of producing cortisone, died April 19 at age 76; and

WHEREAS Mr. Julian was born in Montgomery, Alabama, and was the grandson of a slave; and

WHEREAS he entered Depauw University at Greencastle, Indiana, in 1916 as a "sub-freshman" because of his deficient educational background and graduated as class valedictorian; and

WHEREAS Mr. Julian continued his outstanding accomplishments throughout his life, becoming known for his work with soybean extracts and sterols, discovered the means of synthetically producing cortisone in 1953 which is a medication used in treating arthritis, skin diseases and other afflictions; and

WHEREAS during World War II he also invented a fire-fighting foam known as "bean soup" for putting out oil and gasoline fires which saved the lives of hundreds of airmen who crashed in small planes on the decks of aircraft carriers; and

WHEREAS Mr. Julian was a member of Depauw University's board of trustees and other boards of five colleges and universities; and

WHEREAS Mr. Julian held a master's degree in chemistry from Harvard and a PhD from the University of Vienna and taught at Howard University and established the chemistry department at West Virginia State College; and

WHEREAS Mr. Julian later was named director of research for Glidden Company of Chicago and in 1953 founded the Julian laboratories in Franklin Park, Illinois, and Mexico City; and

WHEREAS this man has served mankind so well and will be greatly missed; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do mourn the passing of Percy Levon Julian.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Depauw University at Greencastle, Indiana, with the request that it be hung in an appropriate place as a memorial to this great man.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 203 H.J.R. 119—McNair, Boles

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. ALLENE CAMPBELL BUTLER.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Mrs. Allene Campbell Butler; and

WHEREAS Mrs. Butler was a beloved school teacher in this state for twenty-four years, the last four being in the Midfield City School system; and

WHEREAS she did contribute immeasurably to the enrichment of our social, cultural and economic lives; and

WHEREAS she was a graduate of Florence State University and had received her Masters Degree from George Peabody College and was a member of the Red Bay Methodist Church, Red Bay, Alabama; and

WHEREAS Mrs. Allene Campbell Butler exhibited throughout her life those admirable attributes of friendliness, devotion to her teaching profession and concern for her fellowman; and

WHEREAS the lives of many of her students were greatly enriched by her teaching; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Mrs. Allene Campbell Butler and express our deep and sincere sympathy to her husband, Estemann G. Butler, and her family to whom copies of this resolution shall be sent.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 204 H.J.R. 136—Gafford

HOUSE JOINT RESOLUTION

AMENDING SECTION (d) OF SJR 15, ACT No. 15, ORGANIZATIONAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Section (d) of SJR 15, Act No. 15, Organizational Session 1975, be amended to read as follows:

"(d) The Study Committee shall prepare a written report of its findings and proposed legislation to the Governor and to each member of the Legislature by no later than May 1, 1976, and such Study Committee shall stand discharged upon submission of its written report."

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 205 H.J.R. 138—Smith (C), Manley, Pegues, Barron

HOUSE JOINT RESOLUTION

CREATING EIGHT ADDITIONAL MEMBERS OF THE STATE "LIVE IN A LANDMARK" COUNCIL.

WHEREAS the Alabama Legislature passed House Joint Resolution 176 on September 20, 1973, which became Act No. 1233 and thereby created the State "Live in a Landmark" Council; and

WHEREAS this Council has done much good work; and

WHEREAS they have expressed a desire that the membership of the Council be increased so as to gain more input from additional members; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the present members of the State "Live in a Landmark" Council are hereby empowered to name eight additional members to serve for four-year terms and said new members shall be chosen to represent each of the following areas, viz: Anniston-Talladega; Eufaula; Birmingham; Montgomery; Northeastern Alabama; Tuscaloosa; Demopolis-Greensboro-Marion; and Decatur-Athens.

BE IT FURTHER RESOLVED, That members chosen under the provisions of this resolution may succeed themselves

when their successors are chosen in a like manner at the expiration of their initial four-year term.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 206 H. 1—Kinsey, Morris, Caliahan, Mitchem, Crowe, Owens, Drake, Andrews, Cooper, White, Moore (O), Carter, Robertson, Weeks, Manley, Smith (M), Johnstone, Lockett, Baker, Warren, Smith (C), Cates, Waggoner, McMillan, Holley, Teague, Coburn, McNees, Falkenburg, McNair, Sandusky, Malone, Carothers, Williams, McCulley, Rich, Kelley, Folmar, Glass, Venable, Naramore, Sonnier, Plaster, Harris, Wyatt, Kennedy, Hines, Hill, Greer, Goodwin, Smith (J), LeFlore

AN ACT

To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Each law enforcement officer and all police communications officers employed by the State of Alabama, including law enforcement officers of the Department of Industrial Relations and the Department of Revenue, and including State Fire Marshals, shall be entitled to and receive in a lump sum the first pay period of December each year the sum of $300 per annum after said employee has total service for a period of five years and shall receive said payment until the tenth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of $400 per annum until the fifteenth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of $500 per annum until the twentieth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of $600 as long as he remains in service.

All policemen in cities having a population of not less than 60,000 nor more than 130,000 inhabitants according to the most

recent federal census shall be considered "law enforcement officers" under the provisions of this act, provided, however, they shall be paid out of city funds.

All deputy sheriffs in counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal census shall be considered "law enforcement officers" under the provisions of this act, provided, however, they shall be paid out of county funds.

Section 2. The above payments shall be in addition to all salaries or wages prescribed by the merit classification system and shall be in addition to any per diem allowances or expense allowances that may be in force at the time of payment. Said sum shall not be used in computing retirement or other benefits.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 207 H. 80—Campbell, Edwards, Cates

AN ACT

To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, is hereby amended to read as follows:

"Section 18. The provisions of this Act shall not apply to Clay, Talladega, Conecuh, Wilcox, Baldwin, Lowndes, Sumter or Butler Counties."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 208 H. 130—Taylor, Brindley, Ford, Rich

AN ACT

To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census.

Section 2. It is the purpose of this act to better secure the administration of the financial affairs of such counties by vesting in the chairman of the county commission, and members of said commission, a direct and effective supervision over all county offices, departments, boards and agencies and to provide for the annual initiation and preparation of a balanced budget of all revenues and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund and other funds.

Section 3. The Chairman of the County Commission shall:

A. Be charged with the responsibility of supervising and controlling all payments from county funds of appropriate warrants, or warrant checks, which said warrants or warrant checks shall be signed by said chairman and the associate member of the commission with the longest consecutive tenure.

B. Direct and supervise the drafting and preparation of the tentative budget document and the final budget document;

C. Perform the necessary work in reviewing requisitions for payments as are submitted;

D. Make such investigations as he may deem appropriate as related to budgetary matters.

E. Make such rules and regulations as may be necessary for carrying out the provisions of this act;

F. Perform such other duties as are herein provided and any such duties as may be required to effectively control the financial operations of county government;

Section 4. On or before March 1 of each year, the County Commission Office (Chairman), Associate County Commissioners (District 1, 2, 3, and 4), Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, and all other county offices, departments, boards, or agencies (and all state or municipal departments, institutions, boards, commissions or agencies desiring funding, payments, or appropriations from county government) shall transmit to the chairman of the county commission estimates of their expenditures for the coming fiscal year. In event of any failure to submit a required estimate, the chairman of the county commission may cause required estimate, the chairman of the county commission may cause to be prepared such an estimate as is in his opinion reasonable and proper.

Section 5. On or before March 1 of each year the chairman of the county commission shall prepare an estimate of the total income of the county for the coming fiscal year, listing and classifying such income according to source.

Section 6. Not later than July 1 of each year, the chairman of the county commission shall cause to be prepared a tentative budget. The aggregate sums tentatively budgeted for expenditure during the ensuing fiscal year shall not exceed the estimated revenues for the ensuing year plus the amounts in county funds remaining in the treasury at the close of the year in progress. Said tentative budget shall present in detail proposed expenditures to meet the needs of county government.

Section 7. County offices, departments, boards, and agencies must be given preference in the aforesaid tentative budget, as well as in the final budget adopted, so that funding, payments, or appropriations to state and municipal departments, institutions, boards, commissions and agencies (except for funding, payments or appropriations required by law) shall be reduced or eliminated as may be necessary in order that needs of county offices be first met.

Section 8. The chairman of the county commission shall make provision for public hearings on the tentative budget not later than August 15, of each year, to which he shall extend invitations to the heads of all concerned county, state and municipal offices, departments, boards, institutions, commissions and agencies, to be present at such hearings and to participate

in same through the asking of questions and/or the expression of opinion in regard to items of the tentative budget.

Section 9. Within a reasonable time after the conclusion of the public hearings above provided for, but before October 1, the county commission, upon recommendation of the chairman of said commission, shall adopt and approve a final budget for the ensuing fiscal yeaar, which said budget may not thereafter be amended or revised except by majority vote of the said commission, upon the recommendation of the chairman, which said budget must not provide for a deficit. If said final budget should be amended for any elected county office, department board or agency before the fiscal year is completed, all other elected county offices, department boards or agencies are to be notified in writing immediately by the chairman of the County Commission.

Once said final budgets (revenues and expenditures of all county funds) are approved, the Chairman of the County Commission shall publish same in a local newspaper by October 15. On or before April 15 said Chairman shall again publish said budget showing revenues received and monies expended to date. The same shall be repeated on or before Septmber 15.

The expenditures of no office, department, board, institution, commission or agency shall exceed the amount originally provided for in the aforesaid final budget, unless same be amended or revised to provide for same by majority vote of the county commission, upon recommendation of the chairman. Any department official including the County Commission Office (Chairman) Associate County Commissioners (District 1, 2, 3, and 4) Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, who willfully violates any of the provisions of this section shall be personally liable for the amount by which the expenditures of his office, department board, institution, commission or agency exceed the amount set by the aforesaid budget up to one-hundred per cent of his salary and expense allowances unless same be amended or revised as above provided for.

The chairman of the county commission shall regularly review expenditures of all offices, departments, boards, institutions, commissions and agencies and shall forthwith notify any department head or other official in charge when it appears that he will exceed his budget for the fiscal year. If the appropriate department head fails to take remedial action, the chairman of the county commission shall not sign further warrants or warrant checks in payment of expenditures of the affected department until such remedial action is taken.

Section 10. The chairman of the county commission shall restrict the payment of warrants, or warrant checks, to prevent

an overdraft or deficit in any fiscal year; payments shall be payable in such proportion as the total sum budgeted for such office, department, board, institution, commission or agency, bears to the total amount estimated as available in said fiscal year; that is payments shall be made from available funds by prorating, without discrimination against any office, department, board, institution, commission or agency.

Section 11. All funds budgeted during any fiscal year to any office, department, board, institution, commission or agency, but not expended during said year, shall lapse at the end thereof and shall not be subject to expenditure (in addition to newly budgeted funds) during the ensuing fiscal year; that is such office, department, board, institution, commission or agency, shall, in the ensuing year, be limited to the amount provided for in the new budget.

Section 12. For the fiscal year commencing October 1, 1975, and ending Septembeh 30, 1976, the tenth day of the month next following the enactment of this act shall be applicable in lieu of the date of March 1 where hereinabove provided in Sections 4 and 5.

Section 13. The county commission, upon the recommendation of the chairman, shall hire a central purchasing agent whose duty shall be to maintain an inventory supply of materials and equipment, to purchase such material and equipment on a competitive bid basis where practicable, and to disperse such materials and equipment chargeable to approved budgeted accounts of the various offices, departments, agencies, institutions and boards. Purchase orders shall be made by a requisition from the respective department head or the respective county commissioner and said requisition order shall show the description, use and need for the article, machinery, or equipment to be purchased. All requisitions to the central purchasing agent must be approved by the agent prior to disbursement. The central purchasing agent is prohibited from approving or disbursing materials, machinery, equipment, or supplies in value beyond the final fiscal year budget approved by the county commission.

The central purchasing agent, in order to carry out his various duties and functions shall be provided by the county commission all such clerical help as may be necessary for the efficient operation. The annual salary for the central purchasing agent shall be set by a majority vote of the county commissioners in the form of a resolution but said sum shall not exceed the total sum of $15,000.00 per year; provided that salary may be increased in the same manner as other employees insofar as cost of living salary increases are otherwise provided for by law.

The central purchasing agent, any member of his family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with the county.

The central purchasing agent shall not accept anything of value, including a gift, favor or service, based on any understanding that the official actions or purchases of the central purchasing agent would be influenced thereby or where it could reasonably be inferred that thething of value would influence such person in the discharge of his duties. Expenses associated with food afforded the central purchasing agent when such expenses are in an amount of less than $25 per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section and is found guilty shall be fined not more than $10,000 or be imprisoned for not more than 10 years or both.

Section 14. If any section or provision of this act is declared unconstitutional, the sections or provisions remaining shall not be affected.

Section 15. This act shall be considered cumulative, but all laws or parts of laws in conflict herewith are repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 209 H. 133—Taylor, Brindley, Ford, Rich

AN ACT

Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000, nor more than 100,000, according to the most recent or any subsequent decennial census.

Section 2. In addition to all other taxes heretofore imposed by law, the county commission, board of revenue, or like governing body is hereby authorized and empowered to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes cigarettes in such counties, a privilege or license tax in the amount of up to three cents ($.03) for each package of cigarettes, made of tobacco or any substitute therefor; provided, however, that when the tax authorized to be imposed hereby shall have been paid by a wholesaler or seller of cigarettes, such payment shall be sufficient, the intent being that such tax shall be paid but once on each package of cigarettes.

Section 3. The tax authorized to be levied by this Act shall be paid by affixing stamps as is required for the payment of tax imposed by Title 15, Chapter 20, Article 9, Code of Alabama, 1940, as amended. The State Department of Revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under that article; and it may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby authorized that it does relative to the collection of that tax.

Section 4. The State Department of Revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act, which said rules and regulations shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the Department of Revenue, relating to the manner and time of payment of the tax levied by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended, requiring reports from dealers and prescribing penalties for violations shall aapply with equal force to the tax authorized by this Act as if fully set out herein.

Section 6. The proceeds of the tax hereby authorized, less the actual costs of collection not to exceed ten per centum (10%), shall be paid by the state department of revenue into the county general fund, to be used for such purposes as the county governing body may direct.

Section 7. (a) None of the provisions hereof shall be applied in such manner as to be in violation of the commerce or other clauses of the United State Constitution. (b) This Act shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside of the county which are actually resold or reshipped.

Section 8. The tax authorized to be imposed by this Act

may be nullified at any time upon adoption of an appropriate resolution by the County Commission.

Section 9. The provisions of this Act are severable. Should any part hereof be declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws, or parts of laws, in conflict herewith are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 6th day of May, 1975.

JOHN W. PEMBERTON
Clerk of the House

Act No. 210 H. 183—McNair, Falkenburg

AN ACT

To authorize the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county 2 administrative assistants to the said governing body to serve at the pleasure of the governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every county of the State having a population of 600,000 persons or more according to the last or any subsequent Federal census, and the Act shall not apply to any other county.

Section 2. As used herein the term "the county" means any county subject to this Act.

Section 3. The governing body of the county is hereby authorized to employ for and in behalf of the county not exceeding 2 administrative assistants to the governing body to serve at the pleasure of the governing body, to define the duties of each of the administrative assistants, and to fix the compensation of each of the administrative assistants. Said compensation shall be within the same salary range both high and

low as comparable positions under the civil service law, if any, that may be applicable to any such county. One of said assistants shall be employed in public information or related activities, and the second of said assistants shall be employed in budget analysis, administration and related activities, and each assistant shall serve under the direction of the governing body of said county.

Section 4. No administrative assistant appointed under this Act shall be subject to the provisions of any merit system etablished for, or in, the county.

Section 5. All laws or parts of laws whether general, special or local in conflict with any provisions of this Act are hereby repealed to the extent of any such conflict.

Section 6. This Act shall become effective on its approval by the Governor or its otherwise becoming a law.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 211 H.J.R. 94—Naramore, Crowe

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. I. A. GARRETT OF WALKER COUNTY.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Mr. I. A. Garrett of Walker County; and

WHEREAS, Mr. Garrett contributed immeasurably to the enrichment of our social, cultural and economic lives. He was a very diligent and devoted member of the First Baptist Church of Jasper; and

WHEREAS, Mr. Garrett reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. I. A. Garrett of Walker County and express our deep and sincere sympathy to the members of his family to whom a copy of this resolution shall be sent.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 212 S.J.R. 39—Pearson, McMillan, Gilmore, Mims, McDonald (A), Little, Wilson, Shelby, Owen, Ellis, Bank, King, Jones, Weaver, Foshee, Vacca, Perloff, St. John, Stewart, Waldrop, Torbert, Fine, McDonald (S), Flippo, Roberts

SENATE JOINT RESOLUTION

CREATING AN INTERIM COMMITTEE TO STUDY ALL FACETS OF THE STATE PARKS SYSTEMS OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee to study all facets of the state parks, and the upgrading of state park operations within the state. Said committee shall consist of three members of the Senate to be appointed by the Lieutenant Governor and three members of the House to be appointed by the Speaker of the House. This committee to meet within thirty days after this resolution becomes effective and from among its members shall elect a chairman and a vice-chairman.

Each member of such committee shall be entitled to his regular legislative compensation, his per diem and travel expense for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

The Committee shall report to the Legislature on its findings by the 10th legislative day of the regular session 1975 and upon submission of its report shall be dissolved.

Approved May 5, 1975.

Time: 3:30 P.M.

Act No. 213 S.J.R. 63—St. John

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses adjourn today, they adjourn sine die.

Approved May 6, 1975.

Time: 3:10 P.M.

Act No. 214 H. 40—Hill

AN ACT

To amend Section 1 of Act No. 534, S. 353, General Acts of Alabama 1943 Regular Session, (1943 General Acts of Alabama, p. 508), as last amended, so as to provide deductions from sentences of less than six months and over thirty days.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 534, S. 353, General Acts of Alabama 1943 Regular Session, (1943 General Acts, p. 508), as last amended, is hereby further amended to read as follows:

"Section 1. DEDUCTIONS FROM SENTENCES FOR GOOD CONDUCT.—Each prisoner who has been or shall hereafter be convicted of any offense against the laws of the State of Alabama, and is confined, in execution of the judgment or sentence upon any such conviction, in the penitentiary, or at hard labor for the county, or in any municipal jail, for a definite or indeterminate term, other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence to be estimated as follows, commencing on the first day of the execution of the sentence. Upon a sentence of not less than seven days nor more than thirty days, one day for each five days of sentence; upon a sentence of not less than thirty days nor more than six months, seven days for each month; upon a sentence of not less than six months nor more than one year, eight days for each month; upon a sentence of more than one year and less than three years, ten days for each month; upon a sentence of not less than three years, and less than five years, eleven days for each month; upon a sentence of not less than five years and less than ten years, thirteen days for each month; upon a sentence of ten years or more, fifteen days for each month. When a prisoner is serving two or more terms of imprisonment and the sentence run consecutively, then all such sentences shall be combined for the purpose of computing deductions for good conduct and release date; however, the actual deduction from sentence for good conduct provided by this section shall apply only to sentences being served and to be served. When a prisoner is serving two or more sentences which run concurrently the longer term shall be considered the term to which such prisoner is sentenced for the purpose of computing such good conduct deductions. When computing the deductions allowed in this section on indeterminate sentences the maximum sentence shall be the basis for the computation. The provisions of this Act shall be administered by the chief administrative officer of the penal institution as it applies to prisoners in any state penal institution, by the sheriff of the county as it applies to prisoners

in any county jail, and by the chief of police as it applies to prisoners in any municipal jail."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1975.

Time: 3:10 P.M.

Act No. 215 H. 151—Manley, Pegues

AN ACT

Relating to Marengo County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marengo County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 2. The actual cost of opening and constructing the road or driveway shall be borne and paid by the homeowner. The county governing body is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county governing body, may, in its discretion, provide normal maintenance at county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 3. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond one-fourth of a mile, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county governing body.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1975.

Time: 12:30 P.M.

MESSAGE OF GOVERNOR GEORGE C. WALLACE

TO JOINT SESSION OF THE ALABAMA LEGISLATURE

AT REGULAR SESSION MAY 27, 1975

Governor Beasley, Speaker of the House Joe McCorquodale, Lady and Gentlemen of the Legislature of our state, and fellow Alabamians. It is my pleasure of course to address this joint session, which is the opening of the Regular Session of the Legislature in the year 1975.

But before I begin my brief remarks to this legislature and to this television audience regarding the State of the State, if you want to call it that, I would like to suggest to all of the people of this state who are interested in the economic development of Alabama that on June 10 they go out and vote for the $45 million bond issue to upgrade the Alabama State Docks in Mobile—that you cast an affirmative yes vote. The building of the Tennessee-Tombigbee Waterway will open up the great Ruhr Valley of our nation, and all of us know the tremendous benefits that this great development is going to mean to Alabama and to this great section of our country and the entire Country. But it is necessary that the Docks of Alabama be equipped to take the tonnage that will come down this great waterway, of which $100 million is being spent at the present time, and there are additional appropriations pending in the Congress. It is necessary that Alabama ratify this $45 million bond issue on June 10, and it is a bond issue that requires no new taxes on the people of Alabama. So please vote yes.

Not in direct connection with Tenn-Tom because this has nothing to do with the bond issue, but I also have in the General Appropriation Bill money to provide Alabama's part for the dredging of a 40-foot channel at Theodore and the Docks area. In that immediate vicinity, there has been announced three quarters of a billion dollars of new industrial development for Alabama. In fact, it has already been announced, but this is necessary of course, and I hope that the Legislature looks with favor on this suggested appropriation.

There are a number of pieces of legislation that I will recommend to you hurriedly because of the brief time that I am going to be on television and talk to the people of Alabama.

We, of course, have an economic recession in this country. We see a slight increase in the amount of employment in Alabama during the last month, and hopefully we are bottoming out. But we are facing a recession. I have optimism as you do, but I want to say when I mentioned no new taxes a moment

ago that this state must build on that which is now coming in from the taxpayers of Alabama. The time has long been past and proven that you cannot solve every problem by continuous taxation of the average citizen of Alabama. Throwing out huge gobs of money at a problem in many instances only compounds it and does not solve the problem. So, I am going to present to you ways and means of meeting the needs and providing services for the people of this state without any new taxes, and I want to say to you if we have any new taxes in Alabama in this session, you will have to pass them. I shall veto them, and you will have to override my veto. I believe that is one veto that you will not override.

I recommend that you pass insurance legislation that died in 1973 in the Senate of Alabama during that filibuster. This legislation will further protect the policyholders of this state and prevent some of the things that have happened in this state and other States. That bill should have been passed in the 1973 Session.

I also recommend the removal of architectural barriers in the future for those who are handicapped. We need to improve the law that we have as far as State and public buildings are concerned now in Alabama.

We need improvement in the Workman's Compensation and Unemployment Compensation statutes for the working people of Alabama. I shall recommend that you pass the utility legislation that failed to pass because in the Senate it never came up for a vote. We have seen since this legislature failed to act (the House passed it, but the Senate did not act) that two great coal-producing States have prohibited fuel pass-on's—the States of West Virginia and Pennsylvania. The Governor of West Virginia vetoed the legislation, and the Legislature overwhelmingly overrode his veto. I would say that no pass-on's to the customers of utilities of this state ought to come about without an adequate hearing before the Public Service Commission. I hope that you will act favorably on the utility bills.

Legislative attention should be focused on the malpractice matter before it grows to be too big a matter in Alabama, and, thank goodness, we don't have this particular problem as now experienced in New York and California.

I will mention and talk about Medicaid a little bit in the future in my talk tonight.

But there will be a number of pieces of legislation sponsored by the Attorney General's Office and which I recommend that involves law enforcement. We need a restoration of the death penalty, and I believe that this can be passed and administered in a nondiscriminatory way in this state as it can

in my judgment in any state. The matter of crime increase is not only of paramount importance to this state but every State in the Union. It has come about over the last number of years through the permissiveness of court actions that have shed tears for the criminal and at the same time paid not wit of attention to the victim, in many instances lying in his grave. My friends, actually in this country, all of this ultra liberal dogma that we have seen come and go has brought us to the brink of bankruptcy. It has placed us alone in this world without any friends except ourselves. Also, because of the permissiveness, we find that crime has increased to the point that at night in most of the cities of this country people are slaves in the sense that they cannot get on the streets. They cannot run a small service station or store without fear of being robbed or mugged. Today under the law you do not get any more for killing the witness than you do for having committed the robbery. That has got to come to a stop, and I want to see an increase in the size of the State police, working in coordination with those of a local level to see what we can do not only for city crime but also rural crime.

Now we have talked about rehabilitation. We have talked about education in the matter of those in prison. I believe in all of it because we started education of prisoners through trade schools in my first administration. But the time has come when we need sure and swift punishment. Let us try that for awhile and see what that does. We have been talking this for years.

I would ask that you also provide for an additional capital outlay program to build another penitentiary on State lands, and to provide sufficient room to incarcerate those who need to be incarcerated. Let us not have the excuse anymore that we do not have any place to put the criminals. We ought to provide a place to put them from the present funds we have coming to this state by a reallocation program if necessary. We must provide a place to put those who are assaulting, killing and robbing people. It will be nobody's fault but those of us here at the State Capitol of Alabama if we don't. Now, that's what you call putting the hay down where the goats can get it. But I am sure we can all get it, and as your Governor, I will take my part of the blame if we don't. This legislature can help correct this problem and you must correct it. We must put our viewpoint and thinking toward the victim instead of those who have committed the crimes. We must provide a place to put the lawbreakers if we have to put some of them under the jail house instead of in the jail house. If you do not provide adequate facilities, you are going to find that the prison systems are going to be taken over by the Federals anyway. I don't like that, but that is what is in the offing, and you can offset and stop that.

We ought to reduce interest on small loans under the Mini-Code. They are too high. Not with the sense of stopping building or loans, for I am not talking about that. You know what I am talking about, and I hope that you will get on with this matter.

Now, my friends, in the appropriations of the General Fund of Alabama, which is the smallest fund in the State, I would say to you that we are giving you a bare-bones budget. We are holding the line, and I can tell you that most of the funds that go from the General Fund of Alabama go to Medicaid, to old age pensions, the prison system, the State police force—all of these programs require multimillion dollars of monies. They are programs that are necessary and needed; and, therefore, I can tell you that there is not enough money in the General Fund to provide all of these services that need to be provided for the people of the State.

On the matter of Medicaid, I am asking the Committee to look toward an investigation and study of the users, the recipients and the providers. My recent action and those of the Medicaid officials was for the purpose of determining if we could work out some way to cut down on cost. We cannot continue to do all of those things that some people want us to do because money is not here at the State Capitol. But I believe that if we use these funds as they are suppose to be used that those who are providing the service will join with this committee and we can cut corners. We can tighten belts. We can still provide for those who are entitled to be provided for, but we cannot provide for those who are not entitled to be provided for. There shall be no person in this state who is eligible under the Medicaid program and in a nursing home, or otherwise, who shall be put out as some were led to believe. I call upon you to pass the conditional appropriation to carry this fund until October 1, and I hope that you will do it in as the shortest period of time as is necessary. I think that you ought to do that just as soon as you can.

My friends, all States have problems. Everyone of them. We are not the only State, but we do not have the problems that some States have. We do not have the problem that New York City has. The point that I am trying to get over to you is that we can take the money that we have, allocate it properly, and we can provide a fine educational program, a highway program, a medicaid program, an old age assistance program, a disabled and blind program, a fine law enforcement program, provide the building of a prison system and enforce the law. Now we must stop this matter of thinking that we can have a utopia situation in every regard. There is not that amount of money in the middle class pockets in this state or in this nation, and people are coming to realize that.

There are those who would argue with you about education and say look at the per person expenditure in New York. Well, look at it. They have the sorriest school system in the United States in New York City, and they provide more money per pupil than any city or state in the United States. I do not want a school system like they have got. They have listened to the *New York Times*—NBC is here tonight—I want to say this. They have listened to the *New York Times* talk about Alabama and they forgot about New York. Now New York is going broke and will have to close down if they do not get $3 billion in the next 30 days. Thank goodness Alabama is not in that shape—like the City of New York.

The fine middle-class citizens in New York themselves are disgusted with these ultra liberals, and they are fine people, themselves. I don't want to offend them, but I am talking about those who they leave in charge of the government. Those who have been in charge in that city in the last number of years have sure played havoc with the people of that area. If they want us to come up and help run it awhile, we might consider that. I think we could do a lot better job. Although I might say that I want to redraw that offer before it is accepted, because we have all that we can attend to right here in our own state.

My friends, education. We have provided the largest educational budget in Alabama's history. And I am very proud that the breakthrough in public education came when I was first Governor in 1963. Not that no one else has been for education. We have a billion, six hundred million dollar budget for the biennium for education. I want to read you briefly some of the things that we are doing. It is the finest education bill in Alabama's history. We are going to ask for an $800 per year increase in teachers' salaries that will give the average teacher $11,000 in Alabama. We are number ten in the Nation in the amount of increases provided for teachers' salaries from 1964 to date. I am proposing a 15% increase in the cost of living benefits for those who are retired, and the retirement formula increased from 1.75% to 2%, which will give us above the best retirement system, which we already have, in the United States.

We are going to increase the amount for medical insurance coverage $60 per teacher in my budget that I am offering you. We are also going to provide money to do away with the collection of fees that will no longer be necessary in this budget that I present. We are going to provide additional money for textbooks. School population in Alabama has declined 60,000 at the minimum since 1964, but I am recommending 300 additional teacher units in 1975 and 1976; 300 more in 1976-77 and in 1975-76, 300 additional teacher units for exceptional children

and 300 more in 1976-77; 400 new teacher units for kindergartens the first fiscal year, and 400 additional for the next fiscal year, which will be a combined total of 2,000 new teacher units in Alabama for exceptional children, for cutting the pupil ratio and for the kindergarten program.

I am also releasing as of today the conditional educational appropriation of $11 million that will go to education—elementary, secondary and higher education. We have studied this matter for weeks and weeks and weeks. It has not been neglected. I was attempting to see if we could not cut corners and save that $11 million for you to appropriate in the manner you saw fit for education during the next biennium. Now, they have convinced me that this could not be the case and we have released these funds. I want you to know that we have thought about it a long time, and they are released as of tonight.

My friends, this is a fine budget insofar as education in Alabama is concerned—a 47% increase in the program for medical education and the establishment of a family residency program—a fine increase in our support for junior colleges and trade schools; and after all of this, we have $10 million left over as a surplus. I am asking that every bit of it be used for education—the $40 million reserve fund in case we ever run short in order to supplement and keep any proration from coming about in Alabama, and the $60 million to be used for capital outlay in lieu of $60 million in bonds, which will save us the interest. This will still leave a balance of about $10 million. That is my recommendation to the Legislature of Alabama, which means that all of this money will go for education in the Educational Trust Fund surplus account at this time.

I want to say that Alabama was 4th in the Nation in 1974 and 6th in the Nation in 1975 in the percentage of income given for education, and you cannot beat this. We have fallen down locally at the local level in many instances, but not here at the State level in Montgomery. We are not on the bottom here. We are number 6th in the Nation in 1975 and we were number 4 in 1974.

My friends, the other problems that we face are these: mental health and Medicaid—mental health under a Federal Court order. You must have additional funds, and yet all of these additional funds for mental health, Medicaid, old age pensions, State prisons, the State police, the Legislature and the Governor must come from a limited General Fund. We cannot provide what Medicaid needs, what mental health needs, building the prisons unless we do have a reallocation of funds. Now you can decide this, and you are going to have to make the decision: that you are not going to build another prison and provided what is needed for prisons. You can decide that you are going to let Medicaid drift and not get what is needed or the mental health program and prison program are not

provided what is called for, and then we are going to have maybe someone from the Federal Government managing the program and taking over the prison system. You can also remember that the Highway Department, like other State Highway Departments, cannot match Federal funds because they match us to death. Some States cannot match any. We can match some, but unless you provide additional funds for the Highway Department, we are going to almost have to dismantle the Highway Department after October. Some States, like Ohio, cannot match a cent of Federal funds, but, my friends, we can. We have a pocket full of money in this fund and a fine program in education, and we are broke in another fund. And there is no reason for us to forfeit the loss of a $130 million or $150 million in Federal funding rightly belonging to us. I am recommending that you allocate 12% of these funds going from the sales tax to the Central Fund of Alabama, and you can do that and provide the same program I have already outlined for education. We can take the Revenue Sharing Funds and provide for mental health and for highways, and by reallocating these funds, you can provide aid to mental health; you can build prisons; you can provide additional policemen; you can provide matching funds for the State Highway Department; and you can provide the finest educational program in Alabama's history.

Now, I have offered you a program. The only other alternative is to raise taxes over the Governor's veto, which I don't believe that you intend to do because I think that you know that the people of this state cannot pay any more taxes because of the heavy burden at the Federal level; and, therefore, I do not recommend for you to even try, because you are going to have to then override the Governor's veto. I might say, ladies and gentlemen of the television audience, that in my judgment this legislature does not want to pass any taxes. This legislature is one of the most forward looking legislatures that I have ever seen, and I want to tell you that I am grateful for the service that you have rendered in the past—not everything that I have asked, but you of course are an independent body.

Now, I have offered you a program that will provide the necessary funds to keep this state government functioning and with no agency having to close down. If you have any alternative plan, then you come forward with it, and the only alternative plan is to cut out services to Medicaid in many instances, to reduce old age pensions, to not build a prison system and have it taken over by the Federals, lose $130 to $150 million in Federal funds and stop highway building; or you can provide every one of these services with a simple reallocation of 12% of the sales tax funds to the General Fund, and then you set the priorities yourselves and make the determination where the money shall go along with the Revenue Sharing, which will

only last as we know it for the next five quarters. We cannot count on Revenue Sharing beyond that.

My friends, I am very proud of the fact that we have offered a program to you. I am very proud that we have offered this education program. I consider education the primary function of State Government; and, therefore, the fact is that we have the biggest budget, the finest improvements in our system as far as money is concerned than we have ever had. I am very proud of it. But I do believe that you in this legislature are entitled to determine the priorities and policies involving the expenditure of money in this state. You are the legislative body. You were sent here by the people of Alabama, and they sent you here to run this government without any new taxes. You have a way to do that, and I feel that you should make that determination about priorities. Then if you deem it, make the priorities that you are not going to reallocate, and let these other programs sink or swim. That is for you to decide. But you must tell the people of Alabama that this is what you have decided. I do not think that is wise, and I do not think you do.

I hope that you will sit down with those in education, with several of those in all phases of government and see if we cannot work and spend the least amount of money necessary, because, my friends, as I said in the beginning, we cannot have everything we want. We can have only that which we can afford because what we can afford may be something other than what we would like to spend.

If you have, as I said in the beginning, another program, then you of course are welcome to present it, because I would welcome it if it would solve this problem in any other manner except the matter of raising taxes.

I do not mean to tell the people of Alabama tonight that Alabama is in bad shape. It is not. It is in good shape, and we have one of the smallest tax bases in the Country. When you buy a home in Alabama for $20,000, thank goodness, you pay only about $90-100 property taxes—in Massachusetts you pay $1200 or $1300. When you have a $10,000 home in Alabama, you pay $30 to $40 property taxes, not $500 like in Wisconsin. Yes, we are better off. We have not followed that theory of "tax and throw it away." Anything we have spent has been on highways, on docks, on school buildings, on matters that were not inflationary, unlike those folks in New York City and like those folks at the Federal level. I can tell you that the time has come when this legislature and other legislatures and the Federal Government must realize that we are going to have to do on what we have and quit coming back to this average working man and gouging him for some more taxes.

Thank you very much, ladies and gentlemen.

ALABAMA LAWS

And Joint Resolutions

REGULAR SESSION 1975

Act No. 1 H.J.R. 4—Smith (J)

HOUSE JOINT RESOLUTION

TO PROVIDE FOR THREE CONFERENCES TO BE ATTENDED BY MEMBERS OF THE CONSTITUTION AND ELECTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, MEMBERS OF THE CONSTITUTIONS AND ELECTIONS COMMITTEE OF THE SENATE, MEMBERS OF THE ALABAMA CONSTITUTIONAL COMMISSION AND OTHER DESIGNATED LEGISLATORS

WHEREAS, the Alabama Constitutional Commission was created by Act No. 753, approved September 12, 1969 (Acts 1969-70, Vol. II, p. 1330) and continued by Act No. 95, approved May 11, 1971 (Acts 1971, Vol. I, p. 165) ; and

WHEREAS, the Alabama Constitutional Commission made its final report to Governor George C. Wallace and to the Legislature on May 1, 1973; and

WHEREAS, it is desirable for certain members of the Legislature of Alabama to have an opportunity to meet with the Alabama Constitutional Commission to gain knowledge of the final report of the Commission.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of House Committee on Constitution and Elections, the members of the Senate Committee on Constitution and Elections, the Chairman of the House Judicial Committee, the Chairman of the Senate Judicial Committee, one additional member of the House of Representatives to be designated by the Speaker of the House and one additional member of the Senate to be designated by the President of the Senate be authorized to attend a joint conference with the Alabama Constitutional Commission on three, three day, weekends, the time and place of each such conference to be determined by the Chairman of the Constitution and Elections Committee of each house.

The members of the Committee shall be paid the same compensation and expenses are provided them for legislative sessions, except that members shall in addition thereto be com-

pensated for their actual travel expenses incurred by travel outside Montgomery in the performance of committee duties. Such compensation and expenses shall be paid in the same manner as those provided them for legislative sessions.

Approved June 4, 1975.

Time: 3:10 P.M.

Act No. 2 S.J.R. 9—Vacca

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the first sentence of HJR 12, Act #113, Third Special Session 1975, is amended to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That five members of the House and five members of the Senate, appointed by the presiding officer of the respective Houses be appointed to constitute a Joint Interim Committee to study real estate principles, practices and the upgrading of real estate operating and licensing laws."

Approved June 4, 1975.

Time: 3:10 P.M.

Act No. 3 H. 174—Merrill

AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated for the fiscal year ending September 30, 1975 the following:

To the State Health Department:

For the operation of the Medicaid program $9,600,000.00

For transfer to the Armory Commission Fund:

For salaries and other expenses 130,000.00

(Any unexpended balance of the appropriation to the Armory Commission Fund at the close of the fiscal year shall not revert)
Intergovernmental Cooperation Commission:

For salaries, equipment purchases and other expenses to be used to employ by the Commission one Executive Assistant and one Secretary who shall not be subject to the provisions of the merit system law, and for other necessary expenditures by the Commission 12,875.00

National Lieutenant Fovernor's Conference:

To be used exclusively for proper and necessary expenses and expenditures for the National Lieutenant Governor's Conference to be held in Point Clear, Alabama, August 24-27, 1975. This appropriation shall be paid out of the State Treasury on warrant drawn on the State Comptroller upon requisition signed by the Lieutenant Governor who is the host-chairman for this conference 25,000.00

For the Legislative Fiscal Office 35,000.00

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 12, 1975.

Time: 5:20 P.M.

Act No. 4 S.J.R. 14—Stewart, Bank, Wilson, Shelby, Edwards, Perry, McDonald (S), Torbert, Powell, Jones, Baker, Fine

SENATE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

WHEREAS the Medicare and Medicaid programs of the State of Alabama are taking a larger and larger portion of the funds in the state treasury; and

WHEREAS the nursing home programs under the medicare and medicaid programs are costing more and more; and

WHEREAS the members of the general public and state

officials are becoming alarmed at the increasing cost of these programs to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of five members of the House and five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicare and medicaid program with particular emphasis on the increasing cost to the state of such programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifteenth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee.

Approved June 16, 1975.

Time: 5:05 P.M.

Act No. 5 H.J.R. 7—Baker, Whatley

HOUSE JOINT RESOLUTION

COMPLIMENTING MISS LEIGH FORD UPON BEING CHOSEN "LITTLE MISS PHENIX CITY" FOR 1975.

WHEREAS lovely Little Miss Leigh Ford, who is the 7 year old daughter of Mr. & Mrs. Jack Ford of Phenix City, Alabama was crowned "Little Miss Phenix City" for 1975; and

WHEREAS Leigh Ford is in the First Grade at Glenwood Elementary School; and

WHEREAS Leigh exemplified the charm and grace that captured the hearts of all the people in attendance at the pageant; and

WHEREAS we wish Leigh every success and the best of luck in her years ahead; and

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Little Miss Leigh Ford is complimented and congratulated upon winning the title of "Little Miss Phenix City" of 1975.

BE IT FURTHER RESOLVED, That the clerk of the House send a copy of this Resolution to the parents of Little Miss Leigh Ford and to the Phenix City Jaycees.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 6 H.J.R. 8—Baker, Whatley

HOUSE JOINT RESOLUTION

COMPLIMENTING MISS WANDA WILLIAMS UPON BEING CHOSEN "MISS PHENIX CITY" FOR 1975.

WHEREAS the lovely brunette Wanda Williams, who is the 19 year old daughter of Mr. & Mrs. D. J. Williams of Phenix City, Alabama was crowned "Miss Phenix City" for 1975; and

WHEREAS Miss Williams is a graduate of Central High School and is currently attending the Chattahoocheee Valley Community College; and

WHEREAS Miss Williams also placed as one of the five finalist in the talent presentations where she danced to the song "Who's in the Strawberry Patch with Sally?" and

WHEREAS Miss Williams will represent Phenix City in the upcoming Miss Alabama Contest; and

WHEREAS we wish Miss Williams every success and the best of luck in the Miss Alabama pageant; and

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That Miss Wanda Williams is complimented and congratulated upon winning the title of "Miss Phenix City" for 1975 and we do wish her every success in her future endeavors.

BE IT FURTHER RESOLVED, That the clerk of the House

send a copy of this Resolution to Miss Williams and to the Phenix City Jaycees.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 7 H.J.R. 11—McCluskey, Dial, Teague, McNair

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. ROBERT E. LAWSON

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Mrs. Robert E. Lawson of Sylacauga; and

WHEREAS Mrs. Lawson contributed immeasurably to the enrichment of our social, cultural, and economic lives. She was a diligent and devoted teacher at East Highland Middle School; and

WHEREAS she enjoyed a thirty-one year professional career as a teacher of Home Economics in schools in Cedartown, Georgia and Eufaula, Alabama as well as in Sylacauga; and

WHEREAS Anne Grace was born and raised in Marion where she attended Lincoln Normal School; and

WHEREAS she received her B. S. degree in Home Economics from Tennessee State University and completed her post graduate studies at Tuskegee Institute and the University of Montevallo; and

WHEREAS Mrs. Lawson's enthusiasm for her work, her devoted services to her community, her wit and personal charm endeared her to all who knew her; and

WHEREAS this legislature would like to pay tribute to this great but humble woman who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Robert E. Lawson and express our deep and sincere sympathy to her husband and her family, to whom copies of this resolution shall be sent.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 8 H.J.R. 12—Lockett, Pegues, Edwards

HOUSE JOINT RESOLUTION

COMMENDING CHIEF FRANK R. LAPORTE OF THE SELMA POLICE DEPARTMENT FOR HIS DISTINGUSHED SERVICE

WHEREAS Frank R. LaPorte is Chief of Police of Selma, Alabama; and

WHEREAS Chief LaPorte is a native of Selma, a distinguished veteran of World War II, and has served the Selma Police Department in all ranks; and

WHEREAS the Selma Police Department has become a model law enforcement agency under the leadership of Chief La Porte; and

WHEREAS as a token of the great esteem and effection which the citizens of that city hold for Chief LaPorte, June 12, 1975 has been proclaimed by Mayor Smitherman as Chief LaPorte Day; and

WHEREAS this legislature wishes to join Mayor Smitherman and the people of Selma in honoring this dynamic and dedicated officer; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend Chief Frank R. LaPorte for his distinguished service and leadership as Chief of the Selma Police Department.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 9 H.J.R. 16—Naramore

HOUSE JOINT RESOLUTION

COMMENDING THE BIRMINGHAM SOUTHERN BASEBALL TEAM FOR WINNING THE REGION FIVE BASEBALL CHAMPIONSHIP

WHEREAS the Birmingham Southern "Panthers" won the Region Five NAIA baseball championship;

WHEREAS there were four states involved, Alabama, Georgia, Tennessee, and Arkansas; and

WHEREAS the Birmingham Southern baseball team worked

diligently, long and hard to achieve their outstanding record. The team exhibited spectacular ability both at the plate and in the field; and

WHEREAS Coach Roy Mewbourne and his assistants are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Birmingham Southern "Panthers" for winning the Region Five NAIA baseball championship.

BE IT FURTHER RESOLVED That we wish the team continued success as they strive for the National NAIA title at St. Joseph, Missouri.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to Coach Roy Mewbourne and each team member.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 10 H.J.R. 19—Sandusky, Sonnier, Harris, Waggoner, McMillan, Glass, Mitchem, Andrews

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE H. L. "SONNY" CALLAHAN ON THE BIRTH OF HIS BABY GIRL KELLY LYNN.

WHEREAS Representative H. L. "Sonny" Callahan and his wife have recently had born to them a darling little girl who they have named Kelly Lynn; and

WHEREAS "Sonny" fathered this child at the amazing and astonishing age of forty-two; and

WHEREAS we believe this to be "Sonny's" sixth child, after having so many it is hard to keep track; and

WHEREAS Representative Callahan feels he must continue having children in order to keep up the family tradition and increase the possible membership of the Friendly Sons of Saint Patrick; and

WHEREAS this Legislature would like to commend "Sonny" for this tremendous effort and congratulate him for his success in this endeavor; now therefor,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do Congratulate Representative H. L. Callahan upon the birth of his baby girl, Kelly Lynn.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 11 H.J.R. 21—Owens and the Entire Membership of the House of Representatives

HOUSE JOINT RESOLUTION

WELCOMING THE RETURN OF REPRESENTATIVE FRANK JACKSON

WHEREAS Rep. Frank Jackson is recovering from a recent illness; and

WHEREAS Rep. Jackson is back on the job for the first time since his illness; and

WHEREAS we have missed his smiling face and personable manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome his recovery and return to the legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be given to Rep. Frank Jackson.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 12 H.J.R. 22—Crowe

HOUSE JOINT RESOLUTION

HONORING ROY B. MORGAN FOR HIS LEADERSHIP AS AN ALABAMA FORESTER.

WHEREAS, over the last fifty years developments in the field of professional forestry have made significant contributions to the American economy and to the ecological well-being of this state and nation, through its advancements in research and technical assistance in many areas, and as the State of Alabama, through its professional Foresters, has actively benefited from these advancements, and

WHEREAS, the late Roy B. Morgan was, for over forty years, an aggressive and leading practitioner of professional forestry in Alabama and the South, in both the government and private sectors; and was a board member of the Alabama Forestry Commission; known in his profession as a "Forester's Forester"; an outstanding botanist; and innovator in forest and environmental protection, conservation, and management practices; active in many civic projects; whose advice and counsel were sought throughout the nation; a man whose complete and life-long dedication to his work earned him the respect and admiration of those who knew him, and

WHEREAS, the Alabama Forestry Commission has recognized his many contributions to forestry and authorized an annual memorial award to be made in his name, the Alabama Legislature wishes to commend the Alabama Forestry Commission for its action, and to join in expressing its appreciation for the benefits rendered to forestry and to the people of Alabama by Roy B. Morgan, Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That by the passage of this resolution, it joins the Alabama Forestry Commission in recognition and appreciation of the many years of service of Roy B. Morgan and honors his name and leadership as an Alabama Forester.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 13 H.J.R. 24—Porter

HOUSE JOINT RESOLUTION

COMMENDING DR. HERBERT E. GILVIN FOR HIS MANY YEARS OF SERVICE AS PASTOR OF THE GREEN LIBERTY BAPTIST CHURCH IN BIRMINGHAM.

WHEREAS Dr. Herbert E. Gilvin has served as pastor of the Green Liberty Baptist Church for 53 years; and

WHEREAS during his pastorial he has brought comfort to many a yearning soul; and

WHEREAS he has given peace of mind to the many individuals whom he has consoled during his life; and

WHEREAS Dr. Gilvin has exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS he is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; and

WHEREAS this legislature would like to pay tribute to this great but humble man who has made and will continue to make a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we do commend Dr. Herbert E. Gilvin for his many years service to the people of the Birmingham area through his efforts as pastor of the Green Liberty Baptist Church.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 14 H.J.R. 25—Lutz, Moore (W), Smith (B), Starkey, Albright, Gregg, Riddick

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION FOR THE WORK OF THE MADISON COUNTY SHERIFF'S MOUNTED POSSE

Whereas, the Madison County Sheriff's Mounted Posse consists of a group of volunteers dedicated to Law Enforcement and Public Service; and

Whereas, the members of the Madison County Sheriff's Mounted Posse contribute their time undergoing extensive training in First Aid, Rescue Work, Law Enforcement and other areas which enable them to be of service when called upon; and

Whereas, the Madison County Sheriff's Mounted Posse has responded nobly when called upon to render service and has demonstrated its proficiency to a high degree; and

Whereas, the Madison County Sheriff's Mounted Posse and its members are a credit to their community.

Now, Therefore, be it resolved by the Alabama Legislature, both Houses thereof concurring, that the Legislature does express its sincere appreciation to the Madison County Sheriff's Mounted Posse and its members for the service rendered by it to Madison and surrounding counties. Be it further resolved that copies of this Resolution be forwarded to the Sheriff of Madison County and to the President of the Madison County Sheriff's Mounted Posse.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 15 H.J.R. 27—Dial

HOUSE JOINT RESOLUTION

COMMENDING THE BIBB GRAVES HIGH SCHOOL BASKETBALL TEAM OF MILLERVILLE ALABAMA

WHEREAS the Bibb Graves High School basketball team won the Clay County and their Area basketball championships and was runner-up in the Hackneyville Invitational Tournament; and

WHEREAS the Bibb Graves team worked diligently, long and hard to achieve the outstanding record. The team made jump shots, foul shots, and rebounds with spectacular ability; and

WHEREAS Coach Frank Toland is due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Bibb Graves High School basketball team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal, Gordon G. Blair, Coach Frank Toland and players, Ricky Morgan, Mike Bruce, Tony Smith, Bill Packer, Dewey Simmons, Jerry Thomas, Terry Bohannan, Fred Adams, Edward Taylor, and Bill Hayes.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 16 H.J.R. 28—Dial

HOUSE JOINT RESOLUTION

COMMENDING REV. MARTIN DEWEESE, DR. WAYMON REESE AND THE SEVERAL MEMBERS OF THE BUILDING COMMITTEE OF THE SPRING HILL BAPTIST CHURCH FOR THEIR EFFORTS IN REBUILDING SAID CHURCH FROM TOTAL DESTRUCTION BY A TORNADO.

WHEREAS, the Spring Hill Baptist Church has for many decades been the center of social and religious activities in that community, having been organized in 1851; and

WHEREAS, on Friday January 10, 1975 said church was totally destroyed by a tornado; and

WHEREAS, the hearty and devout members of this congregation refused to let this tragic event disturb the routine services of this great institution, allowing only the Sunday evening service of January 12, 1975 to pass without observance and this only because of no electricity; and

WHEREAS, because of the tireless efforts of Wallace Horn, J. T. Morgan, Wilson Baird, J. D. Horne, Winifred Gibson, R. B. Griffin, G. L. Griffin, Rev. Martin DeWeese and Dr. Waymon Reese, groundbreaking ceremonies for the new building were held on March 23, 1975; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend and congratulate these men for their christian efforts in expediting the reconstruction of the Spring Hill Baptist Church;

RESOLVED FURTHER, That a copy of this resolution be sent to the Spring Hill Baptist Church.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 17 H.J.R. 29—Dial

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN T. HUDSON

WHEREAS John T. Hudson, 72, and a resident of Lineville and Clay County for many years passed away recently; and

WHEREAS John T. Hudson was a member of the First United Methodist Church of Lineville, Superintendent of Sunday Schools and Chairman of the Official Board; and

WHEREAS John T. Hudson was Mayor of Lineville from October 1952 to September 1956 and a local businessman in Lineville for many years; and

WHEREAS John T. Hudson was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of John T. Hudson and express our deep and sincere sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Loretta Hudson, in Lineville.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 18 H.J.R. 30—Baker, Whatley, Higginbotham, Turnham

HOUSE JOINT RESOLUTION

CONGRATULATING EMMETT E. TICE UPON BECOMING GOVERNOR-ELECT OF THE ALABAMA CENTRAL DISTRICT OF CIVITANS

WHEREAS Emmett E. Tice has been recently elected Governor-elect of the Alabama Central District of Civitans; and

WHEREAS Mr. Tice has been involved in Civitan work for eighteen years; and

WHEREAS He is a versatile man, sensitive to the needs of his community, and one who contributes generously to every worthwhile endeavor for the betterment of the area; and

WHEREAS Mr. Tice served as Lieutenant Governor of the East Alabama District for four years; and

WHEREAS Emmett E. Tice contributes generously of his time, talent, and means to the Phenix City Civitan Club; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Emmett E. Tice upon becoming Governor-elect of the Alabama Central District of Civitans.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Emmett E. Tice and the Phenix City Civitan Club.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 19 H.J.R. 31—Folmar

HOUSE JOINT RESOLUTION

CONGRATULATING DR. RALPH WYATT ADAMS UPON

COMPLETION OF HIS TENTH YEAR AS PRESIDENT OF TROY STATE UNIVERSITY.

WHEREAS, Dr. Ralph Wyatt Adams on October 1, 1974, completed his tenth year as President of Troy State University; and

WHEREAS, during that decade he has become the embodiment of the institution itself; and

WHEREAS, under his leadership Troy State University has expanded its course offerings, its majors, and its branch campuses until it has become one of the South's leading exponents of innovative education; and

WHEREAS, because of Dr. Adams' vigilance, Troy State University's faculty is now composed of more distinguished members and more qualified teachers possessing terminal degrees than at any time in its history, with a larger percentage belonging to Phi Beta Kappa and Pi Kappa Phi than can be found in any other university faculty in Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to Dr. Ralph Wyatt Adams for outstanding and unparalleled service to this State and to Troy State University.

BE IT FURTHER RESOLVED, That we wish Dr. Adams much happiness and satisfaction in all his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Dr. Ralph Wyatt Adams and his family.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 20 H.J.R. 32—Folmar

HOUSE JOINT RESOLUTION

COMMENDING DR. JOHN M. LONG FOR COMPLETION OF TWENTY-FIVE YEARS OF OUTSTANDING LEADERSHIP IN ALABAMA MUSIC.

WHEREAS Dr. John M. Long is currently completing his twenty-fifth year of outstanding leadership in Alabama music; and

WHEREAS his "Sound of the South" band at Troy State University has become one of the greatest and most famous collegiate musical organizations in the nation; and

WHEREAS Dr. Long's contributions to the arts and culture of his native State have been equaled by few and surpassed by none; and

WHEREAS his unstinting devotion to the young people with whom he has spent his life entitle him to the thanks and appreciation of the entire State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take cognizance of this occasion and express to Dr. John M. Long our commendation for twenty-five years of work well done, spent entirely in the service of others, and do wish him many more years of success in his career.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Dr. John M. Long and Dr. Ralph W. Adams, President of Troy State University.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 21 H.J.R. 39—Crowe

HOUSE JOINT RESOLUTION

APPROVING THE ATTENDANCE OF MRS. MARILYN QUARLES AT THE ANNUAL MEETING OF THE NATIONAL ORDER OF WOMEN LEGISLATORS AND TO REIMBURSE HER FOR ORDINARY AND NECESSARY EXPENSES.

WHEREAS, The Alabama Legislature is privileged to have among its members a woman legislator, the lovely and gracious Mrs. Marilyn Quarles; and

WHEREAS, it is in the best interest of the State of Alabama to be officially represented at the Annual Convention of the National Order of Women Legislators which has as its basic purpose the discussion of legislative matters of mutual interest to the various states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the lovely and gracious Mrs. Marilyn Quarles be appointed Alabama's official delegate to the Annual Convention of the National Order of Women Legislators to be held in Kansas City, Missouri, October 26 through October 30, 1975 and that she be reimbursed for ordinary and necessary expenses in attending this important

convention from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 22 H.J.R. 41—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING JOHNNY B. KIRK UPON BEING SELECTED TO PLAY IN THE HIGH SCHOOL ALL STAR GAME.

WHEREAS Johnny B. Kirk has exhibited outstanding play at both ends of the court this past season for the Oakman High School Basketball team; and

WHEREAS Johnny has been named to participate in the High School all star game in Tuscaloosa; and

WHEREAS Johnny B. Kirk was an all county performer for the Oakman "Wildcats"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send our hearty congratulations to Johnny B. Kirk for his outstanding performance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Johnny, his parents, and coach.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 23 H.J.R. 42—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. ATTLEY C. SMITH ON THEIR GOLDEN ANNIVERSARY.

WHEREAS Mr. and Mrs. Attley C. Smith celebrated their golden wedding anniversary, April 13; and

WHEREAS Mr. and Mrs. Attley C. Smith are residents of Parrish; and

WHEREAS many relatives and friends wish to express their congratulations to the couple; and

WHEREAS Mr. and Mrs. Attley C. Smith's life time of love and devotion should serve as an inspiration to all married couples; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send our hearty congratulations to Mr. and Mrs. Attley C. Smith upon the happy occasion of their Golden Wedding Anniversary and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Attley C. Smith.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 24 H.J.R. 43—Crowe

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF KENNY WASHINGTON

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Kenneth Washington of Cordova; and

WHEREAS Kenny has excelled as a student athlete at Cordova High School. He was quarterback of the football team and had recently been selected to the **Daily Mountain Eagle** All-County Basketball squad; and

WHEREAS Kenny Washington was known as a leader both on and off the field of athletic endeavor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Kenneth Washington and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 25 H.J.R. 44—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING MISS ELOISE KIDD UPON BEING

NOMINATED "OUTSTANDING WOMAN OF THE YEAR" BY THE ALABAMA PHYSICALLY HANDICAPPED ASSOCIATION.

WHEREAS The highest honor that can be bestowed upon a lady member of the Alabama Physically Handicapped Association is the title "Outstanding Woman of the Year," and

WHEREAS The Double Springs Chapter of AI-PHA has nominated Eloise Kidd of Haleyville; and

WHEREAS The competition has been narrowed down to the two contestants; and

WHEREAS The winner will be announced at the opening ceremonies of the 22nd annual AI-PHA Convention to be held in Haleyville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Eloise Kidd upon being nominated "Outstanding Woman of the Year" by the Alabama Physically Handicapped Association.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Kidd and to the Double Springs Chapter of AI-PHA.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 26 H.J.R. 45—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING W. B. CURRY UPON HIS RETIREMENT

WHEREAS William Bonner Curry recently retired from the banking business of Walker County; and

WHEREAS W. B. Curry is a prominent and influential leader in the civic, social, and religious life of his city and where he has continued to take an active part in the betterment of his community and is particularly interested in the growth of Walker County; and

WHEREAS Mr. Curry is a descendant of families long prominent in the history of Alabama and of the South who, in the highest tradition, carried forward the precepts of his forbears; and

WHEREAS W. B. Curry has been involved in the banking business for fifty-seven years; and

WHEREAS Mr. Curry was married in 1925 to the former Grace Simpson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate William Bonner Curry for his long and faithful service and wish him many happy and productive years of retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. W. B. Curry.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 27 H.J.R. 47—Rich

HOUSE JOINT RESOLUTION

COMMENDING THE HOKES BLUFF HIGH SCHOOL, IN ETOWAH COUNTY, FOR WINNING THE 1975 STATE 2A HIGH SCHOOL BASEBALL CHAMPIONSHIP

WHEREAS, the Hokes Bluff High School Baseball team won the 1975 State 2A baseball championship, by defeating Elmore County High School by scores of 5 to 3 and 4 to 1 in the finals, due to their outstanding ability and play; and

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, the coaches, Mike Estes and David Wright, are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the team is reflective of their school, faculty, parents and the good citizens of their area; and

WHEREAS, the 1976 team is also expected to reach high goals, since 6 of the 9 starters will be returning! Now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the Hokes Bluff High School for winning the 1975, State 2A baseball championship.

BE IT FURTHER RESOLVED, That the coaches and team members are invited to attend the Tuesday, June 3rd session of

the Alabama House of Representatives to formallly receive this resolution.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 28 H.J.R. 50—Holmes, Barron, Wyatt, Harris

HOUSE JOINT RESOLUTION

CONGRATULATING THE ROBERT E. LEE HIGH SCHOOL BASEBALL TEAM ON WINNING THE STATE 4-A BASEBALL CHAMPIONSHIP.

WHEREAS the Robert E. Lee High School Baseball Team has just won the State 4-A Baseball Championship; and

WHEREAS this is just one of the many athletic honors that the various teams from Robert E. Lee High School have won throughout the years; and

WHEREAS this championship is the result of the hard work of the coaching staff and team of the Robert E. Lee High School Baseball Team and the support of their parents and the student body; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature does heartily congratulate the Robert E. Lee High School Baseball Team on winning the State 4-A Baseball Championship.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Principal of the high school, the coaching staff of the baseball team, and to each member of the team.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 29 H.J.R. 52—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING MELISSA OLIVER UPON HER SELECTION FOR MEMBERSHIP IN MORTAR BOARD AT THE UNIVERSITY OF ALABAMA

WHEREAS the highest honor that can be conferred on a

woman student on any college campus in this nation is for selection for membership in Mortar Board; and

WHEREAS Melissa Oliver has been selected for membership in Mortar Board at the University of Alabama; and

WHEREAS Melissa Oliver justly deserves membership in Mortar Board for in every respect she meets the qualifications of outstanding leadership, scholarship and service which are the foundation stones upon which Mortar Board has built its reputation of excellence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Melissa Oliver upon her selection for membership in Mortar Board.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Melissa and her parents, Mr. and Mrs. John Oliver.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 30 H.J.R. 54—Clark

HOUSE JOINT RESOLUTION

COMMENDING GLENN STILL ON BEING NAMED SOYBEAN KING

WHEREAS Glenn Still, a 23 year old Boligee farmer has been named the winner in the 1974 Alabama Soybean Yield Contest; and

WHEREAS the Alabama Soybean Association and Elanco Products Company were sponsors of the 1974 yield contest; and

WHEREAS Mr. Still grew 300 acres of conventional early soybeans and 100 acres of soybeans double-cropped behind wheat in 1974; and

WHEREAS Mr. Still combined several good management practices to produce his winning yield of 55.6 bushels per acre on a 12.4 acre field; and

WHEREAS Mr. Glenn Still justly deserves the title of Alabama's "Soybean King"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Glenn Still on being named Alabama's "Soybean King."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Glenn Still, Boligee, Alabama.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 31 H.J.R. 56—McMillan, Kinsey

HOUSE JOINT RESOLUTION

CONGRATULATING J. D. 'JOSH' SELLARS UPON BEING ELECTED PRESIDENT OF THE ALABAMA LEAGUE OF MUNICIPALITIES.

WHEREAS, J. D. 'JOSH' Sellars was elected to the highest office of the Alabama League of Municipalities at its annual convention in Huntsville; and

WHEREAS, Mr. Sellars has brought recognition to Baldwin County and the city of Robertsdale by being the first League president from the county; and

WHEREAS, Mr. Sellars has served as mayor of Robertsdale for 26½ years; and

WHEREAS. during his term of service Mayor Sellars has never missed a meeting of the city council; and

WHEREAS, J. D. 'Josh' Sellars has also served the League as Vice-President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate J. D. 'Josh' Sellars upon being elected President of the Alabama League of Municipalities.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mayor Sellars and his family.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 32 H.J.R. 57—Campbell, Manley

HOUSE JOINT RESOLUTION

SALUTING SUMTER COUNTY UPON BEING NAMED NUMBER ONE IN RURAL DEVELOPMENT

WHEREAS the people of this state are our most valuable resources; and

WHEREAS the people of Sumter County are the greatest, they work together to solve their problems; and

WHEREAS this is why Sumter County was selected number one in the nation in rural development; and

WHEREAS on May 28 Sumter County Rural Development Committee received the Distiguished Service Award from the U. S. Department of Agriculture; and

WHEREAS Sumter County has demonstrated that people with stroing individual interests and from different areas of endeavor can make important contributions to improving the quality of rural life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we salute the people of Sumter County upon being named number one in Rural Development.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the Sumter County Rural Development Committee and Sumter County Board of Commissioners.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 33 H.J.R. 62—Starkey

HOUSE JOINT RESOLUTION

TO DESIGNATE COUNTY HIGHWAY 75 IN JACKSON COUNTY AS RIDLEY ROAD

WHEREAS Oscar Ridley was instrumental in having Russell Cave named a National Monument; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That County Highway 75 from Old Mt. Carmel Church to the Tennessee line shall be designated as Ridley Road; and the State Highway Department shall cause appropriate blue and white markers to be erected along said highway at two mile intervals so designating it.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 34 S.J.R. 15—Foshee

SENATE JOINT RESOLUTION

EXPRESSING THANKS TO CLEMENT C. SAWTELL FOR THE PRESENTATION TO THE STATE OF THE FLAG OF THE C.S.S. **ALABAMA**

WHEREAS the proudest ship of the Confederate States Navy was honored by the name of Alabama and was placed under the command of a noted Alabamian, Admiral Raphael Semmes; and

WHEREAS the fame of the C.S.S. **Alabama** has lived in song, history, and international diplomacy since her keel was laid, making the name ALABAMA all the more world renowned; and

WHEREAS one of her flags was rescued as a relic of her last, fateful encounter on June 19, 1864, and has been carefully preserved through the years by the family of Clement C. Sawtell of Massachusetts; and

WHEREAS Clement C. Sawtell has generously decided to present the flag of the C.S.S. **Alabama** to the people of the State of Alabama to be displayed as a priceless relic of the American War Between the States

BE IT NOW THEREFORE RESOLVED by the Senate of Alabama, the House of Representatives concurring, that the thanks of the Legislature be expressed to Clement C. Sawtell for his generosity and act of reconciliation in giving the flag of the C.S.S. **Alabama** to the people of Alabama; and

BE IT FURTHER RESOLVED that the flag be displayed publicly and marked as a gift of Clement C. Sawtell of Massachusetts that all may know of our pride in the exploits of the great ship and of our gratitude to the donor; and

BE IT FURTHER RESOLVED that the thanks of the Legislature be expressed to Admiral Beverly Mosby Coleman for his agency in the return of the flag of the C.S.S. **Alabama**; and

BE IT FURTHER RESOLVED that the Legislature stand in recess from 1:30 p.m. to 2:30 p.m. on this day so that the members may attend the ceremonies of the presentation of the flag of the C.S.S. **Alabama** to the Governor of Alabama in behalf of the people of our State.

Approved June 17, 1975.

Time: 2:30 P.M.

Act No. 35 H.J.R. 84—Drake, Mitchem, Sparks

HOUSE JOINT RESOLUTION

DECLARING THE WEEK OF JUNE 16-22 ALABAMA POULTRY PRODUCTS WEEK

WHEREAS, the poultry industry is Alabama's largest food industry, accounting for approximately 35 percent of the total farm income in Alabama; and

WHEREAS, Alabama is the third largest broiler producing state in the nation and ranks sixth in egg production, having produced 2.90 billion eggs in 1974 and 400 million broilers; and

WHEREAS, poultry and eggs are highly nutritious and delicious foods; and

WHEREAS, poultry and eggs can be purchased by Alabamians at reasonable prices; and

WHEREAS, Bill Baggett has served with distinction and honor as president of the Alabama Poultry and Egg Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 16-22 is hereby declared to be "ALABAMA POULTRY PRODUCTS WEEK."

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the Alabama Poultry and Egg Association.

Approved June 17, 1975

Time: 4:00 P.M.

SENATE JOINT RESOLUTION

Act No. 36 S.J.R. 5—Jones

COMMENDING THE WBAM "ALL AMERICAN" BASKETBALL TEAM UPON RAISING FUNDS FOR CIVIC PROJECTS THROUGHOUT THE STATE OF ALABAMA.

WHEREAS certain members of the staff of radio station WBAM have a basketball team known as the Big Bam "All Americans" who go around the state playing members of civic clubs in various localities and donating all of the proceeds (without deducting any expenses whatsoever) to various civic projects; and

WHEREAS the Big Bam All Americans have been untiring in their efforts in raising such funds and have gone undefeated in their entire basketball season; and

WHEREAS they have played the following groups at the following towns and have donated the proceeds to the following projects, viz:

Site Team Played	Sponsoring Group	Project to Which Proceeds Donated
Wetumpka	Wetumpka Jaycees	Penny Hood Fund
Montgomery	Floyd Jr. High Coaches	Community Center
Ozark	Ala. Aviation Tech. School	School
Union Springs	Union Springs Jaycees	Jaycee Projects
Montgomery	Capitol City Jaycees	Jaycee Projects
Montgomery	McIntyre Community Center	Community Center
Holtville	Slapout Civic Club	Penny Hood Fund
Montgomery	Bellingrath Community Center Staff	Community Center
Tallassee	Tallassee Jaycees	Penny Hood Fund
Autaugaville	Autaugaville Q. B. Club	Q. B. Club Projects
McKenzie	Garland Baptist Church	Youth Choir
Montgomery	Montgomery Police Dept.	F. O. P. Lodge
Marbury	Marbury PTO	P. T. O. Projects
Eclectic	Eclectic Jaycees	Jaycee Projects
Castleberry	Castleberry Ruritan Club	Scholarship Fund
Montgomery	District Methodist Ministers	Nellie Burge Center;

and

WHEREAS this Legislature wishes to congratulate the Big Bam All Americans for their splendid civic spirit and for the funds they have raised on behalf of the many civic projects throughout Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do thank and commend the members of the Big Bam "All American" Basketball Team for their untiring civic efforts on behalf of many worthwhile civic projects throughout this state.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be sent to radio station WBAM in order that each member of the team might have a personal copy.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 37 S.J.R. 6—Waldrop

CONGRATULATING THE EMMA SANSOM HIGH SCHOOL REBEL MARCHING BAND FOR WINNING FIRST

PLACE IN THE SHENANDOAH APPLE BLOSSOM FESTIVAL.

WHEREAS, The Legislature has already recognized the many honors bestowed upon the Emma Sansom High School Rebel Marching Band, most recently its selection as one of the participating bands in the Grand Feature Parade of the prestigious Shenandoah Apple Blossom Festival; and

WHEREAS, This highly skilled musical group continues to bring honor and recognition to the City of Gadsden and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in the ever-increasing accomplishments of the fine group of young musicians comprising the Emma Sansom High School Rebel Marching Band, under the brilliant leadership of Pat Morrow.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Emma Sansom High School Rebel Marching Band; Pat Morrow, the most capable director of said band; each member of the band; Max Newman, Principal of Emma Sansom High School; Emma Sansom High School Band Booster's Club.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 38 S.J.R. 10—Torbert

SENATE JOINT RESOLUTION

COMMENDING THE PHENIX CITY JAYCEES AND JAYCETTES.

WHEREAS the Phenix City Jaycees and Jaycettes held its 17th Annual Miss Phenix City and Little Miss Phenix City Beauty Pageant on April 18 & 19th; and

WHEREAS the Beauty Pageant was a tremendous success and enjoyed by all that attended; and

WHEREAS the Jaycees and Jaycettes exemplified the true Spirit of the Jaycee organization by working together for the betterment of their City and County; and

WHEREAS we would like to congratulate Mr. Charles Cole, Jaycee President and Mrs. Dorothy Dykes, Jaycette President for their leadership and willingness to serve their community; and

WHEREAS we are proud that the Phenix City Jaycees stand for and Support Responsible Local Government; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Phenix City Jaycees and Jaycettes are Congratulated and Commended for the outstanding work that they are doing to promote Phenix City and its citizens.

BE IT FURTHER RESOLVED, That the clerk of the House send a copy of this Resolution to the Phenix City Jaycees and the Phenix City Jaycettes.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 39 S.J.R. 16—Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CAPTAIN WILLIE B. PAINTER

WHEREAS, The State of Alabama suffered a grievous loss in the death on February 7, 1975, of Captain Willie B. Painter, Chief of the Intelligence Unit of the Department of Public Safety; and

WHEREAS, Captain Painter was a familiar figure in the halls of the State Capitol, having served as Chief of Governor Wallace's security guard, both here and on his travels; and

WHEREAS, During his long and dedicated career in law enforcement, he won the respect of all with whom he came in contact, and brought honor and dignity to his profession; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby mourn the untimely death of Captain Willie B. Painter, and extend our profound sympathy to his family.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to his widow and children.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 40 S.J.R. 17—Owen

COMMENDING FRANK G. TURNER ON HIS RETIREMENT

WHEREAS Frank G. Turner has been the Extension Farm Chairman for Baldwin County for the past 30 years; and

WHEREAS his record of service to the people of Baldwin County demonstrates integrity, ability and sound judgment; and

WHEREAS Mr. Turner graduated from Auburn University with a B. S. degree in Agriculture in 1938 and began serving as assistant county agent of Wilcox County in the same year; and

WHEREAS he became county agent of Baldwin County in 1944; and

WHEREAS Frank Turner has helped bring about tremendous increases in gross farm income, yield and efficiency in Baldwin County; and

WHEREAS he will be retiring as of May 31, 1975; now therefore,

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Frank G. Turner be commended for his loyal service to the people of Baldwin County and the State of Alabama, and that we wish him many happy and productive retirement years.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 41 S.J.R. 18—Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE FORT DALE ACADEMY GIRLS BASKETBALL TEAM FOR AN OUTSTANDING PERFORMANCE WHICH MERITED THE DISTRICT III CHAMPIONSHIP IN 1973-1974 AND WON A SPOT IN THE ALABAMA

PRIVATE SCHOOL ASSOCIATION BASKETBALL TOURNAMENT IN 1974-1975.

WHEREAS the Fort Dale Academy girls basketball team recently merited a spot in the Alabama Private School Association State Basketball Tournament; and

WHEREAS the Fort Dale Academy girls basketball team earlier won the District III Championship in 1974; and

WHEREAS the Fort Dale Academy girls basketball team had an outstanding season record of 15 wins and only 4 losses; and

WHEREAS members of the Fort Dale Academy girls basketball team have been selected to the All-State team, Kathy Gates in 1974 and Lynn Dunklin in 1975; and

WHEREAS the Fort Dale Academy team shut out two opponents by the scores of 30-0 and 62-0 respectively, an unheard of feat; and

WHEREAS Linda Williams was selected to the 1975 All-Star Team and Coach Connie Ansley was selected to coach the South All Stars; and

WHEREAS the coaches and team are due much credit for the high degree of technical skill displayed by the team and for their fine spirit and will to win; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT we do most heartily commend the Fort Dale Academy girls basketball team for an outstanding performance during the past two seasons.

BE IT FURTHER RESOLVED, THAT a copy of this resolution be sent to Head Coach Connie Ansley and to the Fort Dale Academy girls basketball team.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 42 S.J.R. 21—Gilmore, Bank, Vacca, Pearson, Ellis, Littleton, Givhan and Shelby

SENATE JOINT RESOLUTION

DESIGNATING TANNEHILL STATE PARK A FOLK LIFE CENTER

WHEREAS: Tannehill State Park, mandated by the 1969

Legislature, has gained nationwide attention for its widespread historic preservation activity, and

WHEREAS: Restoration of the pioneer Tannehill Furnaces, birthplace of the Birmingham steel industry, will make this old ironworks, which dates to 1829, a Southern regional landmark, and

WHEREAS: Park buildings and structures — including a restored pioneer village authenticated to the mid-1800s — give Tannehill State Park a unique rustic atmosphere, and

WHEREAS: The Tannehill project is also scheduled to include a restored pioneer farm, grist mill, cotton gin, several covered bridges, blacksmith and carpentry shops and an outdoor amphitheater, and

WHEREAS: Monthly trade days bring thousands of tourists into the park on a regular basis in search of arts and crafts, and

WHEREAS: The American Revolution Bicentennial Administration has officially designated the Tannehill restoration a national bicentennial undertaking; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Tannehill State Park is hereby designated the Alabama folk life center to be a show place for the arts and crafts of early day Alabama, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Alabama Department of Conservation and Natural Resources, the Tannehill Furnace and Foundry Commission, the State Bureau of Publicity and Information, the Alabama Council on the Arts and Humanities and the National Folk Festival Association.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 43 S.J.R. 27—Jones

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF COACH PETE LEE

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Coach Pete Lee of Robert E. Lee High School in Montgomery; and

WHEREAS Coach Lee was athletic director at Lee High School and a member of the coaching staff for 18 years; and

WHEREAS Coach Lee served on the Lee coaching staff longer than any other coach since the school opened in 1955; and

WHEREAS Coach Lee, through his skill and expertise recently coached the Lee General's baseball team to a state 4A championship; and

WHEREAS Coach Lee encouraged and inspired many youths, including his sons, Marty and Mike, to pursue athletics; and

WHEREAS Coach Lee devoted his time and efforts to the community, being especially active in programs involving city recreation activities; and

WHEREAS Coach Lee gave endlessly of himself to others; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Coach Pete Lee of Robert E. Lee High School in Montgomery and express our deep and sincere sympathy to his widow, the former Mary Evelyn Yates, and to his family to whom copies of this resolution shall be sent.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 44 S.J.R. 30—Jones

SENATE JOINT RESOLUTION

URGING SENATOR SPARKMAN AND SENATOR ALLEN TO LEND SUPPORT AND INFLUENCE TO THE EFFORT OF THE BOY SCOUTS OF TROOP 15 OF MONTGOMERY TO ARRANGE A CULTURAL EXCHANGE WITH A SIMILAR YOUTH GROUP FROM THE SOVIET UNION.

WHEREAS the Boy Scouts is an organization devoted to developing citizenship, character, physical and mental fitness; and

WHEREAS Troop 15 under the leadership of Scoutmaster Mac Smith would like to arrange an exchange whereby 25 - 30

boys in June of 1976 would venture to Russia, staying in the homes of youths belonging to similar organizations. These Russian youths would then come to the United States in July of 1976, staying in American homes; and

WHEREAS such an exchange would promote and encourage international goodwill and cooperation as well as providing an exceptional opportunity for American youths to study Russian culture and Russian youths to explore American culture; and

WHEREAS this legislature recognizes the value of such a program and wholeheartedly supports it; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage Senator Sparkman and Senator Allen to do everything in their power to aid Troop 15 in their endeavors to arrange such an exchange.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Scoutmaster, Mac Smith, and to the First United Methodist Church which sponsors Troop 15.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 45 S.J.R. 31—Perloff

SENATE JOINT RESOLUTION

CONGRATULATING SENATOR SAM L. ADAMS ON THE BIRTH OF HIS SON, FORREST LAMAR ADAMS, II.

WHEREAS, Senator Sam L. Adams and his lovely wife, Mary Earle Elmore Adams, had born to them a fine son on June 9, 1975, in Dothan, Alabama, whom they have named Forrest Lamar Adams, II; and

WHEREAS, Baby Forrest Lamar Adams, II is named for his grandfather, Forrest Lamar Adams; and

WHEREAS, Baby Forrest is the first son of Senator Adams; and

WHEREAS, the Legislature would like to commend and congratulate Sam and Mary Earle on their joint venture; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we do congratulate Senator Sam L. Adams upon the birth of his baby boy, Forrest Lamar Adams II.

Approved June 23, 1975

Time: 4:20 P.M.

Act No. 46 H.J.R. 53—Kinsey, McMillan

HOUSE JOINT RESOLUTION

COMMENDING TAYLOR WILKINS FOR 28 YEARS OF SERVICE TO BALDWIN COUNTY AS SHERIFF.

WHEREAS Taylor Wilkins has served as sheriff of Baldwin County continuously for the past twenty-eight years; and

WHEREAS Sheriff Wilkins has strived to have the best equipped department in the state; and

WHEREAS Sheriff Wilkins has served as President of the Alabama Sheriff's Association and as Vice President and Director of the National Sheriff's Association; and

WHEREAS Taylor Wilkins was the chairman of the committee which founded the Alabama Sheriff's Boys Ranch; and

WHEREAS Sheriff Wilkins established the Baldwin County Civil Defense Department which has performed an invaluable service to the county residents; and

WHEREAS Taylor Wilkins is a prominent and influential leader of Baldwin County in civic, social and religious life and has continued to take an active part in the betterment of his community and is particularly interested in projects to help young people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Taylor Wilkins for a job well done and wish him continued success in future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Taylor Wilkins.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 47 H.J.R. 63—Killian

HOUSE JOINT RESOLUTION

CONGRATULATING MICHAEL RICHEY

WHEREAS Michael Richey was named second place winner in the state-wide "Ability Counts" contest sponsored by the Governor's Committee on the Employment of the Handicapped; and

WHEREAS Michael is a senior at Fyffe High School; and

WHEREAS this honor is a reflection upon Michael's scholastic achievements; and

WHEREAS Michael Richey received a cash award and a plaque; and

WHEREAS Michael is the son of Mr. and Mrs. B. O. Richey of Fort Payne; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our most hardy congratulations to Michael Richey upon being named second place winner in the "Ability Counts" contest.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Michael and his parents.

Approved June 30, 1975.

Time: 2:30 p.m.

Act No. 48 H.J.R. 64—Killian

HOUSE JOINT RESOLUTION

CONGRATULATING W. L. HOWELL AND SON FOR HAVING THE TOP DAIRY HERD

WHEREAS Alabama has been noted nationally for being number one in many areas; and

WHEREAS W. L. Howell and Son have added another item to that list by having the number one dairy herd for milk regardless of herd size; and

WHEREAS the Howell herd of 86 cows averaged 15,129 pounds of milk and 737 pounds of fat; and

WHEREAS W. L. Howell and Son of Fort Payne have been listed among the top ten herds since entering in 1971; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we congratulate W. L. Howell and Son for achieving another first for Alabama by having the number one dairy herd.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to W. L. Howell and Son.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 49 H.J.R. 66—McMillan, Kinsey

MOURNING THE DEATH OF MRS. JOHNNIE MAE DAVISON.

WHEREAS Mrs. Johnnie Mae Davison was a resident and community leader of Baldwin County; and

WHEREAS her life of involvement in county and state politics included service on the Baldwin County Democratic Executive committee; and

WHEREAS Mrs. Davison operated a successful business and displayed her leadership abilities in the business and civic life of her county; and

WHEREAS she exhibited throughout her life those admirable attributes of loyalty, friendliness, perserverance and honesty. She gained the respect and affection of all who knew her, whether friend or mere acquaintance; and

WHEREAS she was a devoted wife, mother and grandmother; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Johnnie Mae Davison and express our deep and sincere sympathy to her family, to whom a copy of this resolution shall be sent.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 50 H.J.R. 67—Baker, Whatley, Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING THE PHENIX CITY LIONS CLUB FOR THEIR EFFORTS IN PROMOTING THE ALONZO STAGG BOWL

WHEREAS the Alonzo Stagg Bowl was first held in Phenix City on Thanksgiving Day, 1971; and

WHEREAS thanks to the sponsorship of the Phenix City Lions Club, this bowl game has been elevated to the status of a National Championship game which is regionally televised each year; and

WHEREAS the television coverage of the Alonzo Stagg Bowl provides excellent publicity for Phenix City and the State of Alabama; and

WHEREAS the Alonzo Stagg Bowl is also a fine money-raising project to which 5,000 tickets were sold in 1974; and

WHEREAS the Phenix City Lions Club has taken great pains to provide the participating teams and fans of this bowl game with the type of reception and hospitality which will assure these visitors return home with a favorable impression of Phenix City and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Phenix City Lions Club for their work on behalf of the Alonzo Stagg Bowl and wish them every continued success.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the mayor of Phenix City, the Phenix City Lions Club, and the National Collegiate Athletics Association.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 51 H.J.R. 68—Baker, Whatley, Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING THE ATHLETIC DEPARTMENT AND ATHLETIC DIRECTOR DOUG KEY FOR THE OUTSTANDING ACCOMPLISHMENTS IN THE FIRST YEAR FOR ATHLETICS AT CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE IN PHENIX CITY.

WHEREAS Chattahoochee Valley Community College excelled in Basketball, Baseball, Golf, and Tennis in its first year of competition; and

WHEREAS the basketball team placed 4th in the State Division; and

WHEREAS the baseball team placed 2nd in the Central Division and 2nd in the Nation in the small college division; and

WHEREAS the golf team placed 2nd in the State and 4th in Region 17; and

WHEREAS the college had an outstanding overall winning percentage of 58%; and

WHEREAS the college president Ralph Savage is due much credit for his cooperation, support and spirit; and

WHEREAS the athletic director, Doug Key deserves much praise and congratulations for the accomplishments of the teams; and

WHEREAS the coaches, Doug Key, Denny Mitchell and Elaine Barnhill worked long and hard to steer their teams to victory; and

WHEREAS four students, Gary Woods, Gary McCaghren, Phil Stillwell and Randy Daniels because of their superior effort and determination were named All Americans in the small college division.

WHEREAS the students, faculty, parents, and friends rallied behind the teams and gave support and encouragement to the team members and the coaches; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the athletic department of Chattahoochee Valley Community College for its outstanding records and superior accomplishments in its first year of operation.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the college president, Ralph Savage, athletic director, Doug Key, his coaches and the members of the teams.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 52 H.J.R. 70—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING MARTY SARGENT

WHEREAS attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS Marty Sargent has achieved the Eagle Rank; and

WHEREAS Marty Sargent is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS Marty Sargent is also active in school, church, and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Marty Sargent of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Marty Sargent, his parents, and the scoutmaster.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 53 H.J.R. 71—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING BRENT GURGANUS

WHEREAS Attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS, Brent Gurganus has achieved the Eagle Rank; and

WHEREAS, Brent Gurganus is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS, Brent Gurganus is also active in school, church, and community affairs.

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Brent Gurganus of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Brent Gurganus, his parents, and the scoutmaster.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 54 H.J.R. 72—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING MICHAEL HARBISON, JR.

WHEREAS attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS Michael Harbison, Jr. has achieved the Eagle Rank; and

WHEREAS Michael Harbison, Jr. is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS Michael Harbison, Jr. is also active in school, church, and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Michael Harbison, Jr. of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Michael Harbison, Jr., his parents, and the scoutmaster.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 55 H.J.R. 73—Crowe

HOUSE JOINT RESOLUTION

CONGRATULATING LAWRENCE SIDES

WHEREAS attaining the Eagle Rank is the highest achievement in scouting; and

WHEREAS Lawrence Sides has achieved the Eagle Rank; and

WHEREAS Lawrence Sides is a member of Cordova Scout Troop 115 under the direction of Scoutmaster W. H. Ryland; and

WHEREAS Lawrence Sides is also active in school, church, and community affairs, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Lawrence Sides of Cordova upon becoming an Eagle Scout.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Lawrence Sides, his parents, and the scoutmaster.

Approved June 30, 1975.

Time: 2:30 p.m.

Act No. 56 H.J.R. 74—Glass

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GEORGE H. BRYANT

WHEREAS George H. Bryant was a native and lifelong resident of Bayou La Batre; and

WHEREAS he attended Bayou La Batre High School and George Peabody College; and

WHEREAS he taught high school history for over forty years; and

WHEREAS he was a writer whose works promoted Bayou La Batre and an artist whose paintings found a nationwide market; and

WHEREAS George H. Bryant was an honorary member of the Bayou La Batre Chamber of Commerce, for life, as well as being Bayou La Batre's official "Ambassador of Good Will" to the world; and

WHEREAS his friends, associates and former pupils benefited greatly from his kindness, insight and loyalty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of George H. Bryant, and offer our sincere sympathy to his family, to whom copies of this resolution shall be sent.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 57 H.J.R. 81—Holmes, Morris, Harris

HOUSE JOINT RESOLUTION

Resolution mourning death of Coach Pete Lee, of Lee High School.

Whereas, Coach Pete Lee reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent

leadership and he shall be missed keenly by his players, fellow coaches, colleagues and host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS, Coach Lee's youthful outlook, veracity and warm personality served as an inspiration to all whom he came in contact;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Coach Pete Lee of Lee High School of Montgomery and express our deep and sincere sympathy to his widow and family to whom copies of this resolution shall be sent.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 58 H.J.R. 26—McCulley

HOUSE JOINT RESOLUTION

COMMENDING GERALD R. FORD FOR PROMPT ACTION IN THE MAYAGUEZ INCIDENT.

WHEREAS the United States Merchant Ship Mayaguez and her American crew were seized by the arrogant Cambodian communists; and

WHEREAS this seizure was in violation of international law and against the peace and dignity of the United States; and

WHEREAS this ship has a crew of American citizens of which some are native Alabamians; and

WHEREAS it became necessary to use swift and decisive action to protect the lives of the crew; and

WHEREAS President Ford ordered that the necessary steps be taken to recapture our ship and crew; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend President Gerald R. Ford for taking prompt and decisive action that not only insured the safety of the ship and her crew, but also the honor and integrity of the United States.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the President of the United States, and copies shall be sent to each member of the Alabama Congressional Delegation.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 59 H.J.R. 48—Mitchem, Kelley, Brindley

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. Highway 431 from its intersection with U.S. Interstate Highway I-59 at Gadsden, Alabama, to Guntersville, Alabama, is hereby designated and shall be known as "The Lake Guntersville State Parkway", and that the State Highway Department, or the Director thereof, shall cause to be erected along such route appropriate signs and markers denoting the name of the highway.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 60 H.J.R. 60—Robertson

HOUSE JOINT RESOLUTION

NAMING THE LIBRARY AT THE NORTHSIDE HIGH SCHOOL FOR MISS PAULINE SCRIVNER

WHEREAS Miss Pauline Scrivner served the Tuscaloosa County School System with loyalty and devotion from 1923 until her retirement in 1967; and

WHEREAS she began her teaching career at Reeds Springs School, faithfully walking six miles each day, arriving at the school early to build fires and staying late in the evening to clean the building; and

WHEREAS the schools she served include Reeds Springs, Barbee, Etteca, Coaling, Gorgas and Northside High School; and

WHEREAS Miss Scrivner taught English at Northside High School from the opening of the school until her retirement in 1967; and

WHEREAS she was a valuable influence upon the lives of thousands of students who benefited by her kindness, wisdom and understanding; and

WHEREAS her abounding Christian love for her fellowman endeared her to pupils, friends and fellow teachers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

the library at Northside High School be named and known as "The Pauline Scrivner Library."

BE IT FURTHER RESOLVED, That the Tuscaloosa County Board of Education be directed to designate said library by an appropriate plaque.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 61 H.J.R. 79—Biddle

HOUSE JOINT RESOLUTION

CONCERNING THE RIGHT TO BEAR ARMS

WHEREAS the basic principles of freedom and sovereignty recorded in the annals of our history have been assured by the heroic sacrifice of volunteer riflemen who were adept in the use of firearms; and

WHEREAS the military forces of our country have time and time again called upon the trained citizen soldiers of our great State to aid in the defense of our nation; and

WHEREAS the person of criminal intent is not interested in vague, unenforceable gun laws; and

WHEREAS gun laws today, as they all too often exist at the federal, state, and local levels of government, frequently resolve into a conglomeration of contradictory mandates that are difficult if not impossible to effectively and impartially enforce; and

WHEREAS ill-planned, restrictive gun laws consistently disarm and bind the law-respecting citizen, eliminating any possibility of his assisting in the daily fight against crime by placing him in a passive pose wherein he is unable to protect himself, family or premises; and

WHEREAS Article I, section 26 of the Alabama State Constitution guarantees that every citizen has a right to bear arms in defense of himself and the State; now therefore,

BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recommend that all gun laws in the State of Alabama be codified with the clear intent of protecting the right of Alabama citizens to acquire, own, possess, transport and lawfully use firearms.

BE IT FURTHER RESOLVED, That we recommend strong enforcement of existing laws and additional penalties for the use of a firearm in a crime.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 62 S.J.R. 33—Noonan, Owen, Perloff and Roberts

SENATE JOINT RESOLUTION

THANKING THE PEOPLE OF ALABAMA FOR PASSAGE OF THE ALABAMA STATE DOCKS BOND ISSUE

WHEREAS The Alabama State Docks Bond Issue neceived widespread public approval with passage of Amendment No. 1 on Tuesday, June 10, 1975; and

WHEREAS The success of The Amendment was due to the genuine interest and personal conviction of the good people of Alabama, public officials, news media, institutions and organizations, too numerous to acknowledge and list herein by name; and

WHEREAS The Governor, The Presiding Officers of both Houses of The Legislature and each member of The Legislature acted to make this Constitutional Amendment possible with passage of H B 71 and H B 72 in the Second Special Session on March 10, 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the local legislative delegations and citizens from Mobile County and Baldwin County, respectively, take this occasion to earnestly express their deepest appreciation and sincerest thanks to the people of Alabama, public officials, news media, institutions, organizations, the Governor, the President of the Senate, the Speaker of the House and each member of the other legislative delegations for their vision, support, encouragement and personal efforts in helping the Alabama State Docks Bond Issue become a reality, signaling new growth and opportunity for all of Alabama.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 63 S.J.R. 37—Fine

SENATE JOINT RESOLUTION

NAMING ACT NO. 2 OF THE SECOND SPECIAL SESSION OF 1975 THE BILL KING ANNUAL SESSIONS ACT.

WHEREAS Senator Bill King of Huntsville worked diligently long and hard to assure the passage of the Act submitting the constitutional amendment providing for annual sessions of the legislature; and

WHEREAS Senator King after the passage of the Act brought the need for such an amendment to the public eye; now therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That Act No. 2, S. 9, of the Second Special Session of 1975, which has been commonly called the annual sessions Act, be designated and known as the 'Bill King Annual Sessions Act."

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 64 S.J.R. 39—Jones

SENATE JOINT RESOLUTION

WISHING IVY SUE KOSTER A HAPPY BIRTHDAY

WHEREAS, on June 17, 1945, Miss Ivy Sue Koster did become a citizen of the Great State of Alabama; and

WHEREAS, Ivy Koster, one of the most valuable employees in the Lieutenant Governor's Office is observing her birthday today; and

WHEREAS, all of us must join the older generation at some time in life; and

WHEREAS, the age of thirty is recognized as being "over the hill" and it is also known that persons who are truly "young" cannot trust a person over thirty; and

WHEREAS, Ivy Koster would like to think that she is thirty years "young" but must face the reality of being thirty years "old"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that this body does send its sympathy to Ivy Koster upon her thirtieth birthday and sends her best wishes for the future.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Ivy Koster.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 65 S.J.R. 40—Ellis, Pearson, Mims, Noonan, Givhan and Gilmore

SENATE JOINT RESOLUTION

EXTENDING THE TIME OF REPORTING OF THE JOINT INTERIM COMMITTEE TO STUDY THE STATE PARKS CREATED BY ACT NO. 212, S.J.R. 39, THIRD SPECIAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study all facets of the state parks, created by Act No. 212, SJR. 39, Third Special Session 1975, is hereby extended and shall report its finding to the legislature by the second legislative day to occur within the month of August of the Regular Session 1975 and upon the submission of its report shall be dissolved.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 66 H.J.R. 101—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses adjourn on Thursday, June 26, 1975, they adjourn to meet again on Tuesday, July 8, 1975.

Approved June 30, 1975

Time: 2:30 P.M.

Act No. 67 H.J.R. 40—Crowe

HOUSE JOINT RESOLUTION

CREATING THE LONG-RANGE HIGHWAY DEVELOPMENT STUDY COMMITTEE

WHEREAS the Governor of the State of Alabama in recognition of the fact that a long-range program of highway development in Alabama is vital to industrial and agricultural growth and to the future of well-being of the people of Alabama; and

WHEREAS the Governor desires that this highway system be adequate to meet the expanding needs of Alabama citizens, and the cost of highway construction, maintenance and administration to support such an adequate highway system be derived from a soundness of scope, efficient performance, and fiscal responsibility in both policy and planning; and

WHEREAS the State Highway Department, working under authorization of the Governor and, in concert with the Alabama Citizens for Transportation (ACT)—a voluntary state-wide citizens group—and research teams from Auburn University's School of Business and Commerce have, during the past 18 months spent more than 6,000 man-hours in a study of Alabama's long-range highway needs as related to—(1) commuter benefits (direct savings to Alabama's working men and women and traveling to job from home and return), (2) industrial growth, (3) recreation, (4) tourism, (5) safety and (6) ecology; and

WHEREAS findings from such study having been forwarded to Governor George C. Wallace recommending the enactment of a long-range highway plan based on the aforementioned criteria which will establish continuity to highway construction, thereby enabling the Alabama State Highway Department to operate at maximum efficiency, thus saving Alabama taxpayers millions of dollars; and

WHEREAS the enactment of a long-range highway program will indicate to Alabama taxpayers exactly what their dollars are buying, and therefore, enhance public confidence in a responsible and tangible expenditure of public funds; and

WHEREAS the aforementioned study is the most detailed and comprehensive evaluation of Alabama's future highway ever undertaken and this evaluation and its subsequent implementation will be of immeasurable benefit to all Alabamians and encourage the judicial expenditure of taxpayer's dollars for a highway system that will meet Alabama's needs for the next twenty years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Legislative Study Committee which shall be composed of fourteen members, seven each to be appointed by the Speaker of the House and the President of the Senate from each of the seven congressional districts, and who shall choose their chairman and

vice-chairman at their first meeting, shall be formed to examine all aspects of the aforementioned study and work in close concert with the Alabama Highway Department, the leaders of Alabama Citizens for Transportation (ACT) and other interested Alabamians. The committee shall hold public hearings if deemed appropriate and shall make diligent inquiry and a full examination of Alabama's long-term future highway needs and they shall file their reports of their findings and recommendations to the Alabama Legislature not later than the 24th legislative day of the 1975 Regular Session.

Upon the request of the chairman the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Approved July 23, 1975

Time: 4:55 P.M.

Act No. 68 H.J.R. 76—Starkey

HOUSE JOINT RESOLUTION

COMMENDING THE CITY OF BRIDGEPORT UPON BEING NAMED A BICENTENNIAL COMMUNITY

WHEREAS the City of Bridgeport in Jackson County has been selected a bicentennial community; and

WHEREAS the City of Bridgeport is the first town in the county to be selected to receive the bicentennial flag; and

WHEREAS this recognition is due to the patriotism of its people; and

WHEREAS the loyalty of the citizens of Bridgeport is an example to be followed by the other communities in the county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

heartily commend the City of Bridgeport upon being named a bicentennial community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the governing body of the City of Bridgeport.

Approved July 23, 1975

Time: 4:55 P.M.

Act No. 69 H.J.R. 77—Johnson

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. AUDREY P. CLEMENTS UPON RETIREMENT.

WHEREAS Mrs. Audrey P. Clements of Tuscaloosa is retiring after forty-nine and one half years of teaching; and

WHEREAS Mrs. Clements devoted thirty-two years of her service to the Holt Elementary School; and

WHEREAS her youthful outlook, vivacity and warm personality serve as an inspiration to all with whom she came in contact; and

WHEREAS a recital of her many accomplishments would be incomplete without the inclusion of the many contributions which Mrs. Clements has made to the thousands of students whose lives were influenced by her teaching and wise counsel, and who will long remember her many personal kindnesses and quiet understanding; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does congratulate Mrs. Audrey P. Clements upon her retirement and does commend her for her services and activities over the years.

BE IT FURTHER RESOLVED, That this Legislature does wish for her a long and continued life of happiness in her retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Audrey P. Clements.

Approved July 23, 1975

5:00 P.M.

Act No. 70 H.J.R. 83—Baker, Whatley

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MARCIUS BRUCE LEE.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Marcius Bruce Lee of Phenix City; and

WHEREAS Corporal Lee was a Phenix City Police Officer and was killed in the line of duty; and

WHEREAS Officer Marcius Bruce Lee was killed when his patrol car was hit by a speeding car that was being pursued by another officer; and

WHEREAS Corporal Lee joined the Phenix City Police force on November 3, 1971, and was liked and respected by his fellow officers; and

WHEREAS Marcius Bruce Lee was the father of a two-week-old baby, Stephanie Michelle Lee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Marcius Bruce Lee and express our deep and and sincere sympathy to his widow, Judy Lee, and his family to whom copies of this resolution shall be sent.

BE IT RESOLVED FURTHER, That a copy of this resolution shall also be sent to the Phenix City Police Department.

Approved July 23, 1975

Time: 5:00 P.M.

Act No. 71 H.J.R. 86—Carothers, Crawford, Smith (J)

HOUSE JOINT RESOLUTION

CONGRATULATING FOREST LATTA UPON BEING ELECTED GOVERNOR OF BOYS STATE.

WHEREAS the American Legion annually sponsors the Boys State Program; and

WHEREAS this program has given valuable experience in state government to thousands of Alabama's youth; and

WHEREAS Forest Latta of Dothan was elected Governor of Boys State at its recent meeting; and

WHEREAS this honor is bestowed upon someone who exhibits the qualities of leadership, scholarship and service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Forest Latta upon being elected Governor of Boys State.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Forest Latta, his principal and his parents.

Approved July 23, 1975

Time: 4:55 P.M.

Act No. 72 H.J.R. 88—Smith (B), Reddick, Albright, Gregg, Lutz

HOUSE JOINT RESOLUTION

COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION

WHEREAS pursuant to Act No. 38, House Joint Resolution 21 of the 1975 Second Special Session of the Alabama Legislature, a salary commission was formed in Madison County to make an in-depth study of the salary structure of county officials elected in Madison County; and

WHEREAS the completed study has provided independent information to the Legislature and the Madison County Legislative Delegation from a cross-section of conscientious citizens who contributed their own expertise to this in-depth evaluation; and

WHEREAS the members of the salary commission spent many hours working diligently and forthrightly in order to arrive at such timely solutions; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Ms. Jo Ann Butler and Loretta Spencer and Messers. Bill Daniel, Harold Dickerson, Gary Huckaby, Charles Kaylor, W. S. Loeb, Les Palmer and Gilbert O. Spencer, Sr. as members of the Madison County Elected Officials Salary Commission and Joyce Griffin as Study Administrator for their outstanding efforts and contribution to better government in and for Madison County, to each of whom a copy of this resolution shall be sent.

BE IT FURTHER RESOLVED, That the comprehensiveness of this report shall be an example for other such study commissions to follow.

Approved July 23, 1975

Time: 5:00 P.M.

Act No. 73 H.J.R. 91—Moore (O)

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. LLOYD L. MEHAFFEY ON BEING NAMED VOLUNTEER OF THE YEAR BY THE LADIES AUXILIARY TO ALABAMA GOODWILL INDUSTRIES

WHEREAS Mrs. Lloyd L. Mehaffey has been named Volunteer of the Year by the Ladies Auxiliary to Alabama Goodwill Industries in recognition of her dedicated service to Goodwill Industries; and

WHEREAS Mrs. Mehaffey has given 510 hours to planning and helping carry out the Auxiliary's projects to help the handicapped clients served by Goodwill; and

WHEREAS Mrs. L. L. Mehaffey has been a member of the Ladies Auxiliary for eight years and is the immediate past president; and

WHEREAS Mrs. Mehaffey, a dedicated worker, also does volunteer work for the Retired Senior Volunteer Program; and

WHEREAS Mrs. Mehaffey has been active in the Vincent Community. She is the incoming Worthy Matron of the Order of Eastern Star, and a member of the Vincent Study Club and the First Methodist Church of Vincent; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mrs. Lloyd L. Mehaffey on being chosen Volunteer of the Year.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Mehaffey.

Approved July 23, 1975

Time: 4:55 P.M.

Act No. 74 H.J.R. 92—Andrews and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF HOWARD ELLINGTON.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Howard Ellington; and

WHEREAS Howard Ellington exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS Howard Ellington was past president of the Montgomery Exchange Club, President of the Montgomery Chapter of Sons of the American Revolution, Past President of the Montgomery Symphony Orchestra, and a devoted member of the First Baptist Church of Montgomery; and

WHEREAS his youthful outlook, vivacity and warm personality served as an inpsiration to all with whom he came in contact; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Howard Ellington and express our deep and sincere sympathy to his widow, Rubye T. Ellington, who is our associate and friend of longstanding, and to other members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to his widow and each of his two sons.

Approved July 23, 1975

Time: 4:55 P.M.

Act No. 75 H.J.R. 93—Wyatt

HOUSE JOINT RESOLUTION

HONORING MR. BEN STARR ON THE DEDICATION OF THE SOUTHERN DIXIE YOUTH LEAGUE BASEBALL FIELD BEHIND SETH JOHNSON SCHOOL ON NARROW LANE

ROAD IN MONTGOMERY, ALABAMA, AS THE "BEN STARR ATHLETIC FIELD"

WHEREAS Mr. Ben Starr spent 27 years in the Army and Air Force serving his country and received many military honors; and

WHEREAS he retired in 1961 and immediately went to work with the civil service system at Maxwell Air Force Base in the athletic facility; and

WHEREAS he helped to organize the United Methodist Church in Montgomery and has been active in youth work at the church and has been an assistant Sunday School superintendent; and

WHEREAS Mr. Starr has worked with young men in Montgomery for many years and has been a devoted community builder who served his people and their youth with great love and dedication, and has shown unselfish interest and concern particularly for the youth in the south Montgomery area where his youthful outlook, true concern and warm personality has served as an inspiration to all with whom he comes in contact; and

WHEREAS all who know Ben Starr know where his son, Bart, got some of the qualities that made him a national football hero for the University of Alabama and the Green Bay Packers; and

WHEREAS the Southern Dixie Youth Baseball League wishes to dedicate the baseball and athletic field on the Seth Johnson School property on Narrow Lane Road in Montgomery, Alabama, as the "Ben Starr Athletic Field" which dedication will be held on June 21, 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they wish to heartily congratulate Mr. Ben Starr on this occasion and thank him for his outstanding services to his fellowman and to the youth of Montgomery, Alabama; and

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the Southern Dixie Youth Baseball League with the request that it be read and presented to Mr. Starr on the occasion of the dedication of the Ben Starr Athletic Field.

Approved July 23, 1975

Time: 5:00 P.M.

Act No. 76 H.J.R. 27—Shelton, McCorquodale, Sonnier, Pegues, Turnham, Campbell, Burgess, Jackson (F), Mitchem, Holmes, Carothers, Baker, Sasser, White, Holley, Quarles, Cooper, Teague, Dial, Reed, Hill, Gregg, Naramore, McCluskey, Weeks, Rich, Taylor, Goodwin, Hines, Greer, Lutz, Moore (W), Drake, Cross, Martin, Roberts, Robertson, Hall, Johnson, Carter, Lewis, Waggoner, Armstrong, Biddle, Johnstone, Moore (O), Kelley, Smith (M), Kennedy, Kinsey, Smith (J), Smith (C), Wyatt, McCulley, Crowe, McNair, Porter, Tucker, Killian, McNees, Trammell, Andrews, Falkenburg, Hilliard, Hopping, Harrison, Starkey, Smith (B), Ford, Albright, Gafford, Callahan, Plaster

HOUSE JOINT RESOLUTION

COMMENDING THE VOTERS OF THE STATE FOR APPROVING THE ANNUAL SESSIONS AMENDMENT.

WHEREAS on June 10, 1975 the voters of this state went to the polls and voted to approve the annual sessions amendment; and

WHEREAS this action shows that the voters of Alabama are behind their Legislature and want it to be a truly separate but equal body as intended by the founding fathers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Alabama voters for approving the annual sessions amendment, and that we ask all of the members of the legislature to double their effors towards strengthening the legislative body and working for the betterment of the state and the enrichment of its citizens.

Approved July 23, 1975

Time: 4:55 P.M.

Act No. 77 H. 96—Merrill, Mitchem, Coburn, Burgess, Teague, Moore (O), Dial, Manley, Johnson, Sonnier, LeFlore, Rich, Ford, Lee, Carter, Johnstone, Weeks, Brindley

AN ACT

To provide that any person in this state at the arrival at the age of nineteen years shall be relieved of their disabilities of minority.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person in this state at the arrival at the age of nineteen years shall be relieved of their disabilities of minority; and thereafter shall have the same legal rights and abilities as persons over twenty-one years of age. No law of this state shall discriminate for or against any person between and including the ages of nineteen and twenty-one years solely on the basis of age.

Section 2. This act shall also apply to any person who arrived at the age of nineteen, and twenty years before the effective date of this act but shall not abrogate any defense or abridge any remedy available to him prior to such date.

Section 3. All laws or parts of laws which read under the age of twenty-one years hereafter shall read under the age of nineteen years. Wherever the words under the age of twenty-one years appear in any law limiting the legal rights and abilities of persons under such age, such words shall be construed to mean under the age of nineteen years.

Section 4. All laws or parts of laws that are in conflict herewith are hereby repealed. Provided, however, nothing in this Act shall be deemed to repeal any provisions of Act 335, H. 281, Third Special Session 1971 (Acts 1971, p. 4622.)

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding on July 22, 1975.

Act No. 78 H. 93—Carothers, Crawford

AN ACT

To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session

of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971, approved July 12, 1971.

Be It Enacted by the Legislature of Alabama:

Act No. 103, H. 363, approved June 18, 1953, Acts of Alabama 1953, pages 145-154) as subsequently amended, which provides for the establishment of a City of Dothan Pension and Retirement System, is hereby amended to read as follows:

SECTION 1. There is hereby established for the City of Dothan, hereinafter called the "City", a Pension and Retirement System, hereinafter called the "System", which shall exist and be maintained for the benefit of the persons hereinafter named, the funds for which shall be derived and raised in the manner hereinafter provided.

SECTION 2. MEMBERSHIP. The membership of the System shall be composed as follows:

(1) All persons who are employees and retired employees of the City of Dothan, on the date of the enactment of this Act.

(2) All persons who become employees after the date of the enactment of this law, their becoming members to be a condition of their employment. Elected Officials, City Attorneys, the City Recorder, independent contractors, and temporary employees employed for less than ninety (90) days shall not be eligible for membership.

(3) Employees drafted or entering directly into the Armed Forces of the United States during a national emergency, provided such employee does not withdraw his contributions as provided in Section 4 (1), and provided such employee returns to the service of the City within one (1) year after having been honorably discharged from the Armed Forces, and such employee avails himself of the first opportunity for discharge or release from the service following the cessation of hostilities, which return to the service of the City during this period of one (1) year after such honorable discharge or release shall entitle such employee to credit for continuous service toward attainment of conditions required for retirement or benefits.

SECTION 3. PENSION BOARD.

(1) There is hereby created a Pension Board who shall act as Trustees, and in whom is vested the general administration and management of the System, and the making effective the provisions of this Act. The members of the Pension Board, all of whom shall serve without compensation, shall consist of the Mayor and/or President of the Board of Commissioners of the City, Chairman of the City Board of Education, the City

Attorney, the Treasurer of the City of Dothan, who shall be the "Treasurer of the System" and be bonded as required by the Pension Board, and an Employee-Department Head to be chosen by other Employee-Department Heads.

(2) The Mayor shall act at all times as Chairman of the Pension Board, and in his absence, the majority of the Board shall elect a Chairman to act in his stead. A majority of the Board shall constitute a quorum for the transaction of business, and any action taken shall be approved in writing by not less than three (3) of its members. The Pension Board shall hold such meetings as are necessary to transact its business, and in any event not less than one (1) meeting each three (3) months. The City Clerk shall act as Secretary of the Pension Board and shall give sufficient notice to its members of all meetings called by its chairman and shall keep a written minute record of all meetings, and shall attest all official written documents of the board, which shall be written into the official document records of the City Clerk's Office. All necessary accounting records shall be kept under the supervision of and in the office of the Clerk-Treasurer of the City, and employee personnel records shall be kept by the Personnel Department and the necessary clerical expense and supplies for keeping required records shall be deemed as an authorized expenditure from the general funds of the City. Payments from funds shall be made by checks drawn by the Clerk-Treasurer and countersigned by the Chairman, after having been authorized and directed by the Board as shown in the minutes.

(3) OATH OF OFFICE OF THE PENSION BOARD MEMBERS. All members of the Pension Board, as trustees for the System, within ten (10) days after his appointment or election, shall take an Oath of Office that he will diligently and honestly administer the affairs of the Pension Board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the System. Such oath shall be subscribed to by the members making same, certified by the official before whom it is taken, and immediately filed in the Office of Probate Judge of Houston County.

SECTION 4. THE METHOD OF FINANCING AND COMPOSITION OF FUNDS. All of the assets of the System shall be accounted for according to the purpose for which they are held among three (3) funds, namely, the Annuity Fund, the Pension Accumulation Fund and the Retirement Fund.

(1) The Annuity Fund shall be a fund in which shall be accumulated contributions from the compensation of members. Contributions to and payments from the Annuity Fund shall be made as follows:

(a) Six and one half percent (6½%) to be deducted from

each member's pay on each and every payroll. Each member, as a condition of his or her employment, shall be deemed to consent and agree to the deduction provided for herein and the payment of such salary or compensation less such deductions shall be a complete and full discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefit provided under this Act. The deductions herein provided for shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Each amount so deducted shall be paid into the Annuity Fund and shall be credited to the individual account of the member from whose compensation and deduction was made.

(b) Membership in the System is canceled upon termination of employment, and upon such termination the amount of the deduction made from such employee's compensation shall be refunded out of the Annuity Fund on the following basis and conditions:

Members employed five years and less, all annuity payroll deductions, less ten percent (10%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the terms of membership.

Members employed over five (5) years and less than ten (10) years, all annuity payroll deductions, less five percent (5%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Members employed ten (10) years and over, all annuity payroll deductions, less two and one-half percent (2-½%) of such deductions, which shall be deemed as payment to the System to cover the cost of protection afforded therein during the term of membership.

Upon termination by death, all annuity payroll deductions shall be returned to the properly designated beneficiary of the member without any charge or deduction being made for protection as mentioned above.

(c) Upon the termination of employment and membership in the System, the amount deducted from the refund to such employee as provided in Sub-Section (b) above, shall be transferred into the Retirement Fund hereinafter provided her.

(d) Upon the retirement of any employee-member of the System, the amount of the annuity funds accumulated or deposited to the credit of such retired employee, shall be transferred and credited to the individual account of the retired member in the Retirement Fund. All payments to such retired

employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the system.

(2) PENSION ACCUMULATION FUND. The Pension Accumulation Fund shall be a fund into which the City of Dothan shall deposit each month a sum equal to the payroll annuity deductions from employee-members' salaries.

(a) Upon the termination of employment and membership in the System, the amounts deposited into the Pension Accumulation Fund to the credit of such employee terminating employment and membership shall be transferred from the Pension Accumulation Fund into the Retirement Fund to be used for the payment of retirement benefits hereinafter provided for.

(b) Upon the retirement of any member as hereinafter provided for, the amounts deposited into the Pension Accumulation Fund to the credit of such retiring employee shall be transferred from the Pension Accumulation Fund into the Retirement Fund and credited to the individual account of the retired employee-member as provided in Section 4 (1) (d) above, who shall receive benefits from the Retirement Funds as hereinafter provided. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the System.

(3) THE RETIREMENT FUND. The Retirement Fund shall be a fund into which shall be deposited all funds transferred from the Annuity Fund and from the Pension Accumulation Fund as provided for in Sub-Sections (1) and (2) above of Section 4, from which retirement benefits are paid.

(a) In addition to transfers from the Annuity and Pension Accumulation Funds, the Pension Board may take by gift, grant, device or bequest, any money, personal property, real estate, or interest therein for the benefit of the fund.

(b) All amounts in excess of the amount protected by the Federal Depositors Insurance Corporation or similar plan by the Federal Government deposited in any bank or savings and loan association in any of the three (3) funds provided for herein shall be forthwith invested in bonds or securities which are direct obligations of the United States of America. All amounts deposited in any such bank or savings and loan association in excess of amounts required to pay monthly benefits shall be placed on deposit so as to draw interest. Interest and earnings from investments and deposits shall be deposited into the Retirement Fund.

(c) Every three (3) years the System shall be reviewed

by a reputable actuary selected by the Pension Board. The Pension Board upon receipt of the report of such actuary shall make recommendations to the legislative delegation and the Governing Body of the City, for any needed revisions.

SECTION 5. CREDITABLE SERVICE. For the purpose of attainment of the period of service required for retirement under the provisions of this Act, the following conditions shall prevail and none other:

(1) All persons who are employees and retired employees of the City of Dothan on the date of the enactment of this Act and who were members of the Alabama Employees Retirement System, shall receive credit for all prior service evidenced by Alabama Employees Retirement System prior years certificates, and so long as membership continues, such prior service certificate shall be final and conclusive for retirement purposes as to such service credited prior to this Act, except that any such certificate found to be inaccurate as to actual prior service according to records in the City Clerk's Office and Personnel Office, may be amended by resolution of the Governing Body of the City with the concurrence of the Pension Board upon certification of the City Clerk and Personnel Director, as to the actual service prior to the City of Dothan's withdrawal from the Alabama Employees Retirement System any employee should have credit for.

(2) Employee-members drafted or entering directly into the Armed Forces of the United States and complying with Section 2, Sub-Section (3), will receive credit for continuous service.

(3) Creditable service at retirement, on which retirement allowances of a member shall be based, shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

(4) Anything in this Act to the contrary notwithstanding, any member having twenty (20) or more years of creditable service shall be eligible to continue in the membership of the System whether employed by the City or not until he files application for service retirement, at which time he shall be eligible for all benefits for full retirement as though all other conditions and requirements had been attained and fulfilled. Continuation of employment beyond twenty (20) years shall entitle such an employee's benefit to be computed on the basis of his total years service and his highest average annual salary for any previous consecutive five (5) years, and in accordance with the percentages as set out in Section 6, Paragraph 2.

SECTION 6. SERVICE RETIREMENT BENEFITS.

(1) Any member in service may retire upon written application to the Pension Board setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided said member at the time so specified for his retirement, shall have become disabled, attained the age, and/or served the period required under the provisions of this Act which said employee desires to be retired.

(2) FULL RETIREMENT. Any employee-member who shall have served or accumulated twenty (20) years of creditable service, shall be eligible for full retirement. Such employee may be retired upon proper application and for the rest of his life receive as a retirement allowance a sum payable from the Retirement Fund amounting to the sum of (a), (b), (c), and (d), as set out below:

(a) 2-½% times the first twenty (20) years of creditable service times his highest average annual salary for any previous consecutive five (5), years, plus

(b) 2% for each year of creditable service from 20 to 25 years times his highest average annual salary for any previous consecutive five (5) years, plus

(c) 1-½% for each year of creditable service from 25 to 30 years times his highest average annual salary for any previous consecutive five (5) years, plus

(d) 1% times all creditable service in excess of thirty (30) years multiplied by his highest average annual salary for any previous consecutive five (5) years.

The above benefit is payable in monthly installments.

(3) Any employee-member who has attained the age of sixty (60) on his last birthday, and has served or accumulated a total of fifteen (15) years creditable service, may retire vountarily for reasons of his own. Upon retirement under the provisions of this Section, such employee shall receive as a retirement allowance the rest of his life a sum payable from the retirement fund equal to 2-½% times the number of years of creditable service multiplied by his highest average annual salary for any previous consecutive five (5) years, payable in monthly installments.

(4) Any employee-member who has reached the age of seventy (70) and has accumulated at least ten (10) years creditable service shall be retired forthwith, unless waived on a year to year basis by majority vote of the Pension Board, and upon proper application shall receive for the rest of his life as a

retirement allowance a sum payable from the Retirement Fund amounting to 2-½% times the number of years of creditable service accumulated, multiplied by his highest average annual salary for any previous consecutive five (5) years, payable in monthly installments, provided if over 20 years creditable service, then the above Section 6 shall be used to compute retirement benefits.

(5) Disability Retirement. Any employee-member who has served or accumulated as much as ten (10) years creditable service, may be retired on a disability retirement allowance, provided that a Medical Board, to be composed of the County Health Officer and two (2) other practicing medical doctors designated by the President of the Houston County Medical Association, after an examination of such employee, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. Upon retirement for disability, such employee-member shall receive as a retirement allowance for the rest of his life, unless such amount shall be modified or changed by proper action as hereinafter provided for, a sum payable from the Retirement Fund amounting to fifty percent (50%) of his highest average annual salary for any previous consecutive five (5) years multiplied by the number of years creditable service limited to a maximum of twenty (20), and divided by twenty (20), payable in monthly installments.

(6) Any member who, as a result of his employment, in line of duty or while discharging his duties, or in the performance of his duties, or as a result of hazardous assignment, and not the result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform properly his former duties of employment or duties of a less strenuous nature, as an employee of the City of Dothan, shall be retired, which action shall be initiated by the head of his department, and shall receive the same retirement allowance as if he had served as an employee for twenty (20) years and become totally disabled as provided in Section 6 (4) hereof; however, if service is over 20 years, then the calculation is in the same manner as 25 years divided by 20 years as indicated in the above Subsection 4. Provided, however, that such retired member shall submit to medical examinations hereinafter required. In the event an employee retired under this section shall be found mentally and physically capable of performing duties of a less strenuous nature, then such employee may, upon the concurrence of the Pension Board and the Governing Body, be employed in such capacity at the prevailing salary for such work as is provided by the City of Dothan Civil Service System. Upon the return to employment from retirement under this section, the period

of retirement together with all prior services shall be credited to such employee, in the ultimate attainment of full retirement or such portion thereof as may be earned under the provisions of this Act. Any such employee who returns to work or continues his employment in work of a less strenuous nature at a reduced rate of pay may be ultimately retired on the basis of his highest five (5) years average salary, provided he shall, while employed at such reduced rate of pay, continue to pay to the System by payroll deductions six and one-half (6-½%) of his highest consecutive five (5) years average salary. The City's contribution to the Retirement Fund shall be at the same rate of six and one-half (6-½%).

(7) RE-EXAMINATION OF MEMBERS RETIRED ON THE ACCOUNT OF DISABILITY.

(a) Once each year during the first five (5) years following the retirement of a member on a disability allowance and once in every three (3) year period thereafter, the Pension Board may, and upon his application shall require any member so retired who has not yet attained the age of sixty (60), to undergo a medical examination, such examination to be made at the place of residence of such members, or other place mutually agreed upon by a physician or physicians of, or designated by the Medical Board. Should any member drawing disability retirement allowance who has not attained the age of sixty (60) refuse to submit to such medical examination, his allowance will be discontinued until such member submits to an examination, and should his refusal continue for one (1) year, all his right in and to his pension may be revoked by the Pension Board. Should the Medical Board report and certify to the Pension Board that a member retired on disability is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the Pension Board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his highest average final compensation for the consecutive five (5) years of his or her employment with the City. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, exceeds the amount of his highest average final compensation for any previous consecutive five (5) years of his or her employment with the City.

(b) In no event will an employee who was a member of the System as of the date of this Amendment receive, upon

retirement, an amount less than he would have received had the plan not been amended.

(8) MANNER OF PAYMENT AND OPTIONAL BENEFITS.

(a) Subject to the provisions of Sub-sections (1) and (2) above, the full retirement benefit is payable in monthly installments on a single-life basis for lifetime of the employee-member.

(b) Joint and Survivor Spouse Option. In lieu of the benefit otherwise payable under (1) and (2) above in the standard form of a single-life benefit, an employee-member may designate his spouse as his contingent pensioner and elect to receive an adjusted benefit payable for life, so that payments of 50% of the adjusted amount shall be continued to the contingent pensioner.

(c) An employee-member may elect the spouse option without the approval of the Pension Board if his election is filed in writing with the Pension Board one (1) year prior to his eligibility for retirement. During the one (1) year period preceding the employee-member's eligibility retirement date, the option may be elected, changed, or revoked only with the approval of the Pension Board; and the Pension Board shall require evidence of good health of the employee-member or his contingent pensioner.

(d) An election made pursuant to this sub-section shall become inoperative in the event that (i) the employee-member's retirement or death occurs prior to his actual retirement date or (ii) the death of the contingent pensioner occurs prior to the employee-member's actual retirement date.

(e) Under the Surviving Spouse Option, the contingent pensioner shall be entitled to receive a benefit, commencing on the first day of the month next following the employee-member's death and payable during the contingent pensioner's remaining lifetime, or until re-marriage by the contingent pensioner, in a monthly amount equal to 50% of the adjusted monthly amount which had been payable to the employee-member. Such adjusted amount shall be determined such that the aggregate of the prospective benefit payments expected to b made to the employee-member and his contingent pensioner shall be the Actuarial Equivalent which the employee-member would otherwise be entitled to receive pursuant to Sub-section (2) above.

SECTION 7. DEDUCTIONS FROM RETIREMENT ALLOWANCES.

The City covers all active employees with a life and group hospital insurance program through a reliable and qualified insurance company. In the event that coverage can be extended

to individuals retiring on or after the effective date of this Act, the following procedures will apply.

(1) Deductions from an employee's retirement allowances are authorized to be made to cover the retiree's portion of payments of City sponsored life and group hospital insurance premiums.

(2) The individual retiree's and City's proportionate share of premium payments shall be determined by resolution passed by the Board of Commission, City of Dothan, Alabama.

(3) At such time as a retired employee becomes eligible for Medicare, his participation in any City sponsored Group Hospital Program will be terminated and deductions from retired allowances will be adjusted accordingly. The securing of supplemental coverage to the Medicare Program will be the responsibility of the retiree.

SECTION 8. DEATH OF RETIRED EMPLOYEE. In the event any retired employee dies before having received as retirement allowance, a sum equal to his annuity payroll deductions, and the like amount deposited to his credit by the City in the Pension Accumulation Fund, the balance of this sum, if the balance is in excess of $1,000, shall be paid to his properly designated beneficiary in a lump sum payment. If the balance of the aforementioned sum is less than $1,000. then a minimum sum of $1,000 shall be paid to his properly designated beneficiary in a lump sum payment.

This Sub-section is in lieu of and is not wholly applicable to those employee-members electing the Joint and Surviving Spouse Option in Section 6, Sub-section (7) (b) hereof. However, if the Actuarial Equivalent of the prospective spouse benefit payments expected to be made to the contingent pensioner shall be less than $1,000; then, the contingent pensioner may elect, with the approval of the Pension Board, the minimum of $1,000 in a lump sum payment.

SECTION 9. EXEMPTIONS. No portion of, or any of the funds or securities, either while held by the System or after distribution to employee-members as retirement allowances, shall be subject to, or exacted, on account of any taxes, nor be subject to garnishment, levy, execution, attachment, nor be subject to assignment or any process of collection of debts, provided this shall not apply to assignments or debts to the System or to the City, and as further authorized in Section 7 above. No liability of the System for the return of contributions shall be subject to assignment and payment to personal representatives, except to properly designated beneficiaries in case of death, and no liability of the System for return of contributions shall be subject to any process in connection with debts.

SECTION 10. PERPETUITY OF SYSTEM AND RELIEF OF MEMBERS ALREADY RETIRED.

(1) At any time there is an insufficient amount in the Retirement Fund from the sources herein provided for to meet the retirement obligations of the system, the City shall appropriate a sufficient amount of its revenue available for general purposes to meet such Retirement Fund obligations as they are due each month.

(2) For the purpose of additional relief and benefit to City employee-members already retired, effective upon the end of the first full calendar month following the passage and approval of this Act, the monthly benefits of all such retired employees shall be computed upon the basis of said Act No. 59, Regular Session, 1971, Approved July 12, 1971, and as amended by this Act.

(3) The additional relief and benefit provided in the preceding paragraph for such employees already retired and who retire hereafter, as a cost of living increase shall be increased each year in the future by two percent (2%) of the amount of the pension being received; such increase to become effective on the anniversary date of each employee's retirement following the effective date of this amendment.

(4) Further additional relief and benefit provided in the two preceding paragraphs for such employees already retired as an additional cost of living increase shall be the sum of Ten Dollars ($10.00) payable each month; such increase to become effective the following month of the date of this amendment.

SECTION 11. RETIRED EMPLOYEES WHO RETURN TO WORK.

Retired employees who return to full time work as a City employee will be ineligible to receive benefits from the retirement fund while engaged in such full time work. Each such employee shall however be required to participate in the retirement system as required of a new employee specified in Section 2 hereof, and shall retain the full period of creditable service previously earned for retirement. Upon his application for retirement again, the period of time he has last worked, if less than five years, shall be added to such highest consecutive average annual salary for a period to equal five years. If the amounts received, however, after returning to work after retirement, are less than before his first retirement, such employee, upon retiring again shall be allowed to receive monthly retirement benefits based upon his highest average annual salary for any consecutive five years.

SECTION 12. EXCESS RETIREMENT FUNDS AND PAYMENTS.

(1) All annuity payroll deductions and pension accumulation funds transferred to the Retirement Fund upon the retirement of any member shall be credited to such member's account and held in trust for no other purpose except for the payment of such member's retirement benefits or to such member's properly designated beneficiary upon termination by death. Payments to such member shall be charged against his account, so as to reflect the unpaid balance.

(2) After the amounts accumulated for such retired member's credit in (1) above have been paid back to such member as benefits, continued benefits shall be paid out of funds accruing to the Retirement Fund under the provisions of Section 4 and payment of such continued benefits shall be continually charged to such retired member's account so as to reflect the amount paid in excess of credits provided for in (1) above.

SECTION 13. CONFLICTING LAWS. All laws in conflict with this Act are hereby repealed to the extent of such conflict with this Act.

SECTION 14. EFFECTIVE DATE. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 25, 1975.

Time: 2:30 P.M.

Act No. 79 H.J.R. 89—Sparks, Drake

HOUSE JOINT RESOLUTION

TO DESIGNATE A PORTION OF U.S. 278 IN CULLMAN COUNTY AS THE AVE MARIA GROTTO BOULEVARD.

WHEREAS The Ave Maria Grotto brings much revenue to Cullman County; and

WHEREAS A sign is needed on 1-65 to alert motorists to the approaching exit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That U.S. 278 from the intersection of 1-65 and U.S. 278 to the East Point Intersection shall be designated as the Ave Maria Grotto Boulevard; and the highway department shall cause appropriate

exit signs to be erected on 1-65, and appropriate street markers to be erected on the aforesaid named portion of U.S. 278.

RESOLVED FURTHER That a copy of this resolution be sent to Father Aloysius Plaisance and Father Lambert at St. Bernard College.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 80 H.J.R. 99—Coburn

HOUSE JOINT RESOLUTION

WISHING A SPEEDY RECOVERY TO ALABAMA'S CONGRESSMEN AND THEIR WIVES

WHEREAS Alabama's Congressmen Bob Jones, Tom Bevil and Walter Flowers were injured in a bus-log truck wreck in Georgia; as were Mrs. Jones, Mrs. Bevil and Mrs. Carolyn Nichols, wife of Representative William Nichols; and

WHEREAS this Legislature was saddened to learn of their injuries; and

WHEREAS a state trooper escorting the bus reported the log truck braked to avoid some cars stopped for a left turn and jackknifed into the path of the chartered bus; and

WHEREAS the Congressmen and their wives were in Georgia to dedicate the West Point Lake and Dam on the Alabama border; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the injuries to Mr. and Mrs. Bob Jones, Mr. and Mrs. Tom Bevil, Walter Flowers and Mrs. William Nichols, and wish them a speedy recovery from the accident.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to each of the injured mentioned above.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 81 S.J.R. 52—McMillan, Little, Torbert, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King,

Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF STEWART HARTFORD.

WHEREAS, On Saturday, July 12, 1975, the life of Stewart Hartford was snuffed out in an automobile accident; and

WHEREAS, Stewart Hartford, at the age of 19, had the potential of becoming one of the truly outstanding statesmen of his generation; as Director of the Auburn University Student Lobby, he participated in the promotion of the 19-year old bill with a dedication, astuteness and grasp of the legislative process which indicated a brilliant future for him in the affairs of government; and

WHEREAS, Stewart excelled in all aspects of human development—he was an outstanding athlete, an outstanding scholar, a leader and a possessor of the most admirable traits of human character; and

WHEREAS, His interest in government reflected that his primary concern was the betterment of the human condition rather than his personal ambition; and

WHEREAS, The loss of the tremendous potential of Stewart Hartford is an immeasurable tragedy to his family, his university, his friends and the entire State of Alabama; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we deeply mourn the senseless and tragic loss of the life of Stewart Hartford, whom we had come to love and respect.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to his mother, Mrs. Phyllis Hartford, of 211 South Gay Street, Auburn, and to the Phi Gamma Delta Fraternity at Auburn University.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 82 S.J.R. 41—Waldrop

SENATE JOINT RESOLUTION

COMMENDING THE LADY VOLUNTEERS AT JOHN JONES ELEMENTARY SCHOOL, RAINBOW CITY, FOR THEIR WORK ON THE SAFETY PATROL.

WHEREAS John Jones Elementary School has had this past school year a safety patrol composed of volunteer ladies from the PTA; and

WHEREAS Mrs. John Cox from Glencoe came over to the school and trained the ladies on how to direct traffic and what hand signals to use; and

WHEREAS Mrs. Jerald Bailey, Mrs. Mac Minty, Mrs. Sid Wilson, Mrs. E. D. Gann, Mrs. James Wadsworth, Mrs. James Hagan, Mrs. Jim L. Fuhrman, Mrs. W. A. Richardson, Mrs. Ronald Forrester, Mrs. Judy McCullars and Mrs. Peggy Shrum generously and conscientiously gave their time to the school patrol throughout the entire school year, irregardless of weather conditions; and

WHEREAS after the patrol ladies went to work every one was gone from the school yard 15 minutes after dismissal; and

WHEREAS the unremitting efforts of Mrs. Jerald Bailey led to two extra school buses; and

WHEREAS because of the endeavors of these women volunteers John Jones Elementary School now has new "No Parking" signs; fire drills, black out drills and tornado drills; and bike and bus safety programs; and

WHEREAS this legislature would like to pay tribute to these unselfish women who so willingly gave their time to the safety program at John Jones Elementary School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the women volunteers at John Jones Elementary for their gallant efforts.

RESOLVED FURTHER, That a copy of this resolution be sent to each of the ladies above mentioned as well as to the principal of John Jones Elementary School, Mr. James Gidley, and the county Superintendent of Education, Mr. Billy H. Rains.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 83 S.J.R. 43—Waldrop

SENATE JOINT RESOLUTION

COMMENDING DR. REDDOCH E. WILLIAMS

WHEREAS Dr. Reddoch E. Williams of Florala conscientiously gave his time to help Natasha Waldrop, the daughter of Senator Gerald Waldrop, when she broke her arm; and

WHEREAS such immediate and expert care was much appreciated by the Waldrop family; and

WHEREAS Dr. Williams exemplifies those qualities which are most admired and respected; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Dr. Reddoch E. Williams for his dedication and unselfish service.

RESOLVED FURTHER, That a copy of this resolution be sent to Dr. Williams.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 84 S.J.R. 44—Waldrop

SENATE JOINT RESOLUTION

COMMENDING FLORALA MEMORIAL HOSPITAL

WHEREAS Florala Memorial Hospital deserves much credit and praise for the speedy and efficient care that they give; and

WHEREAS an excellent example of this is the recent attention that they showed to Natasha Waldrop, the daughter of Senator Gerald Waldrop, when she broke her arm; and

WHEREAS it is reassuring to know that there are hospitals where one can get immediate and expert care; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Florala Memorial Hospital.

RESOLVED FURTHER, That a copy of this resolution be sent to the hospital.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 85 S.J.R. 45—Waldrop

SENATE JOINT RESOLUTION

COMMENDING MR. NEAL HART

WHEREAS Mr. Neal Hart of Florala willingly and generously gave his time and efforts to help the Waldrop family when Natasha Waldrop broke her arm; and

WHEREAS Mr. Hart's kind assistance was much needed and appreciated; and

WHEREAS actions such as Neal Hart's serve as a model for us all; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Neal Hart for his unselfish service to others.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Hart.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 86 S.J.R. 46—Waldrop

SENATE JOINT RESOLUTION

COMMENDING MISS JACQUELYN MASSEY

WHEREAS Miss Jacquelyn Massey, ten year-old daughter of Mr. and Mrs. R. Newell Massey of Gadsden, was chosen to represent Alabama in the World's Lovely Lady Pageant; and

WHEREAS the sparkling Miss Massey will be competing in the Little Lovely Lady Division in the June 26-29 pageant in Searcy, Arkansas; and

WHEREAS Miss Massey is truly a "little lovely lady" and is an excellent choice for Alabama's representative to the pageant; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Miss Jacquelyn Massey and wish her success in the upcoming pageant.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Massey and to her parents.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 87 S.J.R. 47—Waldrop

SENATE JOINT RESOLUTION

CONGRATULATING GEORGE CHESNUT

WHEREAS Mr. George Chesnut, 16 year-old son of Mr. and Mrs. Judson Chesnut of Gaylesville, has won the highest honor awarded on the pre-college level at the Alabama Music Teachers' Concention held June 9 at the University of Alabama; and

WHEREAS he was selected at the convention to represent Alabama at the Southeastern Region competition to be held in Mississippi in February, 1967; and

WHEREAS it was necessary for George to compete in three levels of competition before being chosen as the Alabama winner; and

WHEREAS the talented and determined young Mr. Chesnut is presently attending the University of Georgia on a two-week music scholarship awarded him by the Georgia Federation of Music Clubs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. George Chesnut on his achievements and wish him success in the Southeastern Region competition.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Chesnut and to his parents.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 88 S.J.R. 50—Shelby, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson

SENATE JOINT RESOLUTION

COMMENDING FORREST DAVID MATHEWS FOR HIS OUTSTANDING SERVICE TO THE UNIVERSITY OF ALA-

BAMA AND CONGRATULATING HIM UPON HIS APPOINTMENT AS SECRETARY OF HEALTH, EDUCATION AND WELFARE

WHEREAS Forrest David Mathews, a native of Grove Hill, Alabama, has distinguished himself through service to his community, state and nation; and

WHEREAS after attaining his elementary and secondary education in Clark County where both his father and grandfather served as superintendents of schools, he went on to earn the Bachelor and Master's Degrees from the University of Alabama and his Doctoral Degree from Columbia University; and

WHEREAS he served as an infantry officer in the United States Army; and

WHEREAS he served his Alma Mater and the State's Capstone of higher education as Interim Dean of Men, Lecturer in History, Executive Assistant to the President, Executive Vice President and President; and

WHEREAS he has distinguished his career through membership in Phi Beta Kappa, Omicron Delta Kappa, Phi Alpha Theta History Honorary, and the Newcomen Society of North America; and

WHEREAS he has been awarded recognition as one of the "Outstanding Young Men of Alabama" by the Alabama Junior Chamber of Commerce in 1968, and one of the "Ten Most Outstanding Young Men in the Nation" by the United States Jaycees in 1969 and elected to the Alabama Academy of Honor in 1973, in the Court of Honor of the Exchange Clubs of Alabama in 1975; and

WHEREAS his work with the Southern Regional Education Board, the Commission on the Future of the South of the Southern Growth Policies Board, the American Revolution Bicentennial Commission, the State Oil and Gas Board, the Academy for Educational Development, and numerous other organizations has led to a brighter future for the South and the Nation; and

WHEREAS as President of the University of Alabama, David Mathews enriched not only the quality of education in our State but also the tradition which characterizes Alabama's oldest public institution of higher education; and

WHEREAS the nomination of Forrest David Mathews as Secretary of Health, Education and Welfare brings pride to all Alabamians and honor to the South; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That our

admiration and appreciation be extended Dr. David Mathews and his family along with our best wishes in the ardous task which he faces in the service of our country.

BE IT FURTHER RESOLVED, That copies of the resolution be sent to Forrest David Mathews; his parents, Mr. and Mrs. F. L. Mathews and the Board of Trustees of the University of Alabama.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 89 H.J.R. 90—Venable, Turnham, Higginbotham, McNees, McNair, Cooper, Falkenburg, Plaster, Sandusky, Andrews, Biddle, McCorquodale, Campbell, Pegues, Lockett

HOUSE JOINT RESOLUTION

NAMING THE NEW BRIDGE CROSSING THE SOFKAHATCHEE CREEK ON U. S. 231 IN ELMORE COUNTY THE "ERNEST S. COLLIER BRIDGE."

WHEREAS there is to be a new bridge spanning the Sofkahatchee Creek on U. S. 231 in Elmore County which will replace the "Swayback Bridge"; and

WHEREAS Ernest Sims Collier, former State Representative from Elmore County, was a man of integrity and dignity who contributed much to his state and to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the new bridge on U. S. 231 in Elmore County which will cross the Sofkahatchee Creek is hereby designated the "Ernest S. Collier Bridge" and the State Highway Department shall cause appropriate signs and markers to be erected.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the members of his family.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 90 H.J.R. 96—McCluskey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. HELEN ROBBS WALLIS.

WHEREAS Mrs. Helen Robbs Wallis, beloved citizen of Sylacauga, passed away on June 3, 1975; and

WHEREAS her youthful outlook, vivacity and warm personalty endeared her to all who knew her; and

WHEREAS Mrs. Wallis was a devoted wife and mother; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Helen Robbs Wallis and express our deep and sincere sympathy to her husband, Mr. Elliott Wallis, her son Donald Wallis, her daughter Mrs. Patricia Crosswy and the rest of her family to whom copies of this resolution shall be sent.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 91 H.J.R. 98—Kinsey

HOUSE JOINT RESOLUTION

COMMENDING DOUGLAS O. BENTON

WHEREAS Douglas O. Benton has, since 1971, conscientiously and capably served as Director of the State of Alabama Bureau of Publicity and Information; and

WHEREAS in his official capacity to plan and conduct the various programs of the State of Alabama to attract tourists, Douglas O. Benton has been successful to the extent that tourism has become the largest single industry within the State of Alabama; and

WHEREAS Douglas O. Benton, as Alabama's Travel Director, has brought additional distinction to this state by serving two successive terms as Chairman of the 13-state Southern Travel Directors Council (STDC), and as National Chairman of the Council of Regional Travel Executives (CORTE), which is an arm of DATO, the national organization of the United States Travel Industry; and

WHEREAS Douglas O. Benton was recently selected by his fellow State Travel Directors as the State Travel Director of the Year and was presented with the prestigious Larry Flynn Award for his successful efforts in promoting Alabama as a Tourist Destination, as well as for his service to the nation's travel industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, taking due note of the achievements and accomplishments of Douglas O. Benton on behalf of the Bureau of Publicity and the State of Alabama, do hereby cbommend him for the excellence of his performance, for the solid success of his achievements and for the enthusiasm, dedication and general capability he brings to the performance of his official duties.

RESOLVED FURTHER, That a copy of this resolution be sent to Douglas O. Benton.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 92 H.J.R. 106—Greer, Hill, Coburn

HOUSE JOINT RESOLUTION

COMMENDING MISS PAMELA KAYE LONG

WHEREAS the lovely Miss Long has just completed her term as Miss Alabama; and

WHEREAS she is a senior at the University of North Alabama in Florence where she is an honor student; and

WHEREAS Miss Long is very active in every aspect of college life. She is president of her sorority (Phi Mu), a Senator in the SGA, and a member of The Gold Triangle, The Blue Triangle, the University Players, the Collegiate Singers, the Association of Women Students, the Debate Team, the English Honor Society (Sigma Tau Delta) and the Homecoming Court; and

WHEREAS the charming and talented Miss Pamela Kaye Long has received many honors and awards. She was Diorama Beauty, Pi Kappa Alpha "Dream Girl" (and first runner-up for National "Dream Girl"), Miss UNA, Miss Madison County Maid of Cotton, and a member of Who's Who in American Colleges and Universities; and

WHEREAS Miss Long exemplifies those attributes and

qualities of Southern Womanhood which we all admire and respect; and

WHEREAS Miss Long is an asset to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Miss Pamela Kaye Long for her long list of accomplishments and wish her success in her current employment in the Governor's Office.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Long and to her parents, Mr. and Mrs. Robert C. Long.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 93 H.J.R. 107—Coburn, Greer, Callahan, Waggoner, Hill, Goodwin

HOUSE JOINT RESOLUTION

COMMENDING MISS ANITA SUE VAUGHAN, "MISS ALABAMA 1975-1976"

WHEREAS the beautiful Miss Susie Vaughan was selected June 14 as the new "Miss Alabama"; and

WHEREAS Miss Vaughan is an elementary education major at the University of North Alabama; and

WHEREAS Miss Vaughan was chosen as the 1974-1975 "Miss UNA," the 1974 Homecoming Queen, the 1972-1973 Diorama Beauty Queen and the 1974 Lauderdale Maid of Cotton; and

WHEREAS the talented and vivacious Miss Vaughan is active in many college activities. She is a member of Phi Mu Sorority, the Collegiate Singers, the Lionettes and the Association of Women Students; and

WHEREAS this legislature would like to pay tribute to this charming young lady who has been chosen to represent Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Miss Anita Sue Vaughan for having been chosen "Miss Alabama 1975-1976".

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Vaughan and to her parents Mr. and Mrs. Charles Price Vaughan, Jr. Also send a copy to the Florence Times and Tri-Cities Daily.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 94 H.J.R. 111—Carothers

HOUSE JOINT RESOLUTION

COMMENDING MISS PAM FLOWERS—FIRST RUNNER-UP IN MISS USA CONTEST.

WHEREAS the beautiful Miss Flowers was recently selected as first runner-up in the Miss USA Pageant; and

WHEREAS Miss Flowers was also selected by the photographers as Most Photogenic in the Miss USA Contest; and

WHEREAS the charming and talented Miss Pam Flowers is a 19 year old student at George C. Wallace Community College in Dothan; and

WHEREAS Miss Flowers is a former Queen of the National Peanut Festival; and

WHEREAS she possesses those attributes of friendliness and warmth which make her acquaintance a very special one; and

WHEREAS Miss Flowers is truly an asset to the State of Alabama and we are extremely proud of her accomplishments; and

WHEREAS this body would like to pay tribute to this lovely girl who has done an outstanding job in representing her State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Pam Flowers on her selection as 1st runner-up in the Miss USA Contest.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Flowers and to her parents.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 95 H.J.R. 112—Cates

HOUSE JOINT RESOLUTION

COMMENDING PROBATE JUDGE JAMES T. BEELAND FOR MORE THAN THIRTY-FOUR YEARS SERVICE AS PROBATE JUDGE OF BUTLER COUNTY, ALABAMA

WHEREAS, Judge James T. Beeland has served with honor and distinction as Probate Judge and Chairman of the Butler County Commissioners Court during the period January 1941 through 31 May 1975; and

WHEREAS, Judge James T. Beeland has during this period of service supervised the hard surfacing of approximately 500 miles of county roads, replaced numerous wood bridges with concrete structures, twice remodeled and refinished the Butler County Courthouse and built the Butler County Public Health Center; and

WHEREAS, Judge James T. Beeland has during this period of service kept Butler County debt free; and

WHEREAS, Judge James T. Beeland was for almost forty years a member of the Alabama State Democratic Executive Committee; and

WHEREAS, Judge James T. Beeland was for twelve years a city councilman of Greenville, Alabama; and

WHEREAS, Judge James T. Beeland was for four years Mayor of the City of Greenville, Alabama; and

WHEREAS, Judge James T. Beeland has served as Director and President of The Alabama Association of County Commissioners; and

WHEREAS, Judge James T. Beeland has held elective office continuously for more than fifty years and has never been defeated for public office; and

WHEREAS, Judge James T. Beeland will be sorely missed as Chairman of the Butler County Commissioners Court and his retirement will be a great loss to the people of Butler County; now therefore

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we do hereby heartily commend Judge James T. Beeland for his long and efficient service to Butler County, and do earnestly wish for him a long and satisfying retirement; and

BE IT FURTHER RESOLVED that a copy of this resolution be furnished Judge James T. Beeland at his place of resi-

dence in Greenville, Alabama and a copy be furnished to the Butler County Commissioners Court, Greenville, Alabama.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 96 H.J.R. 113—Cates

HOUSE JOINT RESOLUTION

CONGRATULATING EARL M. McGOWIN UPON HIS ELECTION TO MEMBERSHIP IN THE ALABAMA ACADEMY OF HONOR

WHEREAS, Earl M. McGowin has been elected to membership in The Alabama Academy of Honor; and

WHEREAS, Earl M. McGowin is a graduate of the University of Alabama and a Rhodes Scholar; and

WHEREAS, Earl M. McGowin was an officer and partner in W. T. Smith Lumber Company for more than forty years; and

WHEREAS, Earl M. McGowin was a member of the Alabama State Legislature for twenty years; and

WHEREAS, Earl M. McGowin has served as Director of the Alabama Department of Conservation; and

WHEREAS, Earl M. McGowin has served as Director of the Alabama State Docks; and

WHEREAS, Earl M. McGowin has served in many high and honorable positions in private business and public service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses concurring, that we do hereby heartily congratulate Earl M. McGowin upon his well deserved election to membership in the Alabama Academy of Honor; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Earl M. McGowin at his home in Chapman, Alabama.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 97 H.J.R. 114—Owens, Pegues, Lockett, Clark Edwards, Manley, McCorquodale

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE VIRGIS MARION ASHWORTH

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Judge Virgis Marion Ashworth of Centreville; and

WHEREAS Judge Ashworth was a man of dignity who served in this legislature for three consecutive terms after first being elected in 1954; and

WHEREAS Judge Ashworth diligently and efficiently served this legislature as Speaker of the House in 1959; and

WHEREAS Virgis Ashworth at the time of his death was a Circuit Court Judge in the Fourth Judicial Circuit; and

WHEREAS Judge Ashworth exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman. He gained the respect and affection of all who knew him; and

WHEREAS we shall miss this strong leader whom we have long admired and respected and have been proud to call our friend throughout many years of close association; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we mourn the death of Judge Virgis Marion Ashworth and express our deep and sincere sympathy to his widow and his family to whom copies of this resolution shall be sent.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 98 H.J.R. 115—Moore (O)

HOUSE JOINT RESOLUTION

COMMENDING MRS. FLORENCE C. HURST

WHEREAS Mrs. Florence C. Hurst retires this month after

being a first grade teacher at Leeds Elementary School in Jefferson County for 40 years; and

WHEREAS Mrs. Hurst in 1972 was chosen an Outstanding Elementary Teacher of America; and

WHEREAS Mrs. Hurst's enthusiasm for her work, her devoted services to her community, her wit and personal charm endear her to all who know her; and

WHEREAS in addition to teaching first grade, Mrs. Hurst has conducted a private kindergarten for two years; represented Teacher's Publishing Co. for five summers; directed a Head Start program for two summers; and handled the mail circulation for the Leeds News on and off for many years; and

WHEREAS Mrs. Hurst has always been active in civic work. Not only has she been a contributing member of the elementary's PTA, but she has also served for many years as the school's representative to the Jefferson County Teacher's Association; and

WHEREAS as a member of Leeds First United Methodist Church, Mrs. Hurst has been a Sunday School teacher superintendent of the children's department and a member of the board of stewards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend Mrs. Florence C. Hurst for her many years of service to the Leeds community and wish her much happiness in her years of retirement which she so richly deserves.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Hurst.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 99 H.J.R. 117—Porter, Jackson (R), Howard, Hilliard, McNair, Harrison Tucker

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. LUCINDA BROWN ROBEY

WHEREAS this legislature has noted with a deep sense of regret the passing of Mrs. Lucinda Brown Robey, principal of Moore Elementary School in Birmingham; and

WHEREAS Mrs. Robey has been an active and contributing part of the public school system since 1941; and

WHEREAS Mrs. Robey always gave generously of her time and self to others. She influenced and guided countless youth who will never forget the kindness and gentleness of Mrs. Robey; and

WHEREAS Mrs. Lucinda Brown Robey was active in civic and social affairs, especially as a part of the Alabama Christian Movement for Human Rights; and

WHEREAS this body would like to pay tribute to this wonderful lady who enriched the lives of so many; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we mourn the death of Mrs. Lucinda Brown Robey and express our deep and sincere sympathy to her husband to whom a copy of this resolution shall be sent.

Approved July 28, 1975

Time: 4:30 P.M.

Act No. 100 H.J.R. 119—Ford, Brindley, Rich, Taylor

HOUSE JOINT RESOLUTION

RESOLUTION COMMENDING DR. MORT GLOSSER ON HIS RETIREMENT AS SUPERINTENDENT OF GADSDEN CITY SCHOOLS

WHEREAS, Dr. Mort Mark Glosser is retiring as superintendent of Gadsden City Schools effective July 1, 1975; and,

WHEREAS, Dr. Mort Mark Glosser has been superintendent of Gadsden City Schools since July 1, 1965, and during said time has brought great credit to the Gadsden City School System and the citizens of the City of Gadsden by his excellent leadership, patience under very trying circumstances, and his willingness to listen to all views, and

WHEREAS, Dr. Mort Glosser has been involved in the educational process since 1934 and has rendered his total self to the improving and upgrading of the educational system and has earned great respect and admiration for his leadership, ability, and humility, and,

WHEREAS, Dr. Mort Mark Glosser has rendered great service to his fellow man not only in his capacity as an educa-

tor and leader in civic activities, but by his enduring qualities to stand tall in the fire of tribulation and his willingness to give his hand to all who seek help and guidance.

BE IT THEREFORE RESOLVED by the Legislature of Alabama, both Houses concurring, that Dr. Mort Mark Glosser be commended for his excellent service to education, his community and to all whose lives have been brightened by his light of good will to all men.

BE IT FURTHER RESOLVED that a copy of this Resolution be given to Dr. Mort Mark Glosser.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 101 H.J.R. 124—Jackson (R), Lewis

HOUSE JOINT RESOLUTION

COMMENDING GENERAL RUFUS L. BILLUPS.

WHEREAS Rufus L. Billups, a Birmingham native and Tuskegee Institute graduate, has recently become the first black Alabamian to hold the rank of general in the U. S. Air Force; and

WHEREAS General Billups is currently deputy director of transportation. He is a specialist in this field as he has had Air Force commands in Germany, Korea, and South Vietnam; and

WHEREAS General Billups has, in the course of his career, earned the Air Medal, the Bronze Star, and the Commendation Medal, the Meritorious Service Medal and the Legion of Merit; and

WHEREAS General Billups is an asset to the State of Alabama; and

WHEREAS this legislature would like to recognize and pay tribute to this great American and Alabamian who has served his country and state so well; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we most heartily commend General Rufus L. Billups.

RESOLVED FURTHER, That a copy of this resolution be sent to General Billups, to his wife Margaret Talton Billups,

to his children Geraldine, Eric and Robert and to his mother Mrs. Christian Billups.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 102 H.J.R. 125—Lewis

HOUSE JOINT RESOLUTION

COMMENDING GENERAL DANIEL JAMES, JR.

WHEREAS former Air Force fighter pilot Daniel James, Jr. has been nominated to be the first black four-star general in the nation's history; and

WHEREAS General James flew fighters in World War II, the Korean War and the Vietnam War; and

WHEREAS James attended Tuskegee Institute, graduating from there in 1942; and

WHEREAS James has served in a number of posts in the United States and around the world. He is currently vice commander of the Military Airlift Command at Scott Air Force Base, Illinois. When confirmed by the Senate, he will become commander in chief of the North American Air Defense Command and commander of the Aerospace Defense Command; and

WHEREAS General James has unselfishly and generously given his time and efforts to the American cause; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we most heartily commend General Daniel James, Jr. and wish his success in his new command.

BE IT FURTHER RESOLVED that copies of this resolution be sent to General James.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 103 H.J.R. 131—Hilliard, Porter

HOUSE JOINT RESOLUTION

Wishing Representative Jackson a happy birthday

WHEREAS, Our colleague, Representative Ronald Edward Jackson is observing his birthday today; and

WHEREAS, We want to assure our friend Ronald Edward Jackson that he is still several years short of being a senior citizen;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we do wish for Representative Jackson a felicitous anniversary of his birth, and wish for him many happy returns.

Approved July 28, 1975

Time: 4:30 P.M.

Act No. 104 H.J.R. 133—Kinsey

HOUSE JOINT RESOLUTION

CONGRATULATING MR. & MRS. GEORGE V. MAHONEY ON THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS Mr. & Mrs. George V. Mahoney of Miflin celebated their Golden Wedding Anniversary on June 5; and

WHEREAS the couple was married June 5, 1925 and have now shared 50 years of their lives together; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we most heartily congratulate Mr. & Mrs. George V. Mahoney to whom a copy of this resolution shall be sent.

RESOLVED FURTHER, That a copy of this resolution be sent to their three sons Stanton, Mordaunt and Patrick Mahoney.

Approved July 28, 1975

Time: 4:30 P.M.

Act No. 105 H.J.R. 141—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today that the House adjourns to meet on

Thursday, July 17, and when the House adjourns on Thursday, July 17, it adjourns to meet on Tuesday, July 22, and when the Senate adjourns today it shall adjourn to meet on Tuesday, July 22.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 106 H.J.R. 142—Cooper

HOUSE JOINT RESOLUTION

URGING ALL MEMBERS OF THE LEGISLATURE TO WORK TOGETHER TO PROVIDE ADEQUATE FUNDING TO THE CORRECTIONAL SYSTEM.

WHEREAS, The Board of Corrections is in urgent need of adequate funding to properly run a correctional system that will provide humane and rehabilitative conditions; and

WHEREAS, The current situation has reached crisis proportions due to overcrowding in the prisons, lack of sanitary facilities, shortages of correctional officers, and a lack of funding in general; and

WHEREAS, The Board of Corrections is making every effort possible to manage the prison system under existing circumstances; and

WHEREAS, Under the Constitution of the State of Alabama, the Legislature is vested with the authority and responsibility to manage the Correctional System notwithstanding the fact that the Federal courts may preempt this responsibility; and

WHEREAS, The Legislature must, in a spirit of cooperation and in the interest of responsible leadership, seek an immediate solution to providing adequate funding to the Correctional System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That all senators and representatives will work together to adequately fund a Correctional System that will provide for basic human needs with the rehabilitation of inmates as its ultimate goal.

Approved July 28, 1975.

Time: 4:30 P.M.

Act No. 107 H.J.R. 147—Manley

HOUSE JOINT RESOLUTION

PRINTING AND BINDING OF ACTS FOR 1975

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the acts of the House of Representatives and the Senate for the Organizational Session of 1975, the First Special Session of 1975, the Second Special Session of 1975, and the Third Special Session of 1975 be reserved and printed and bound with the acts of the House of Representatives and Senate for the Regular Session of 1975.

Approved July 28, 1975

Time: 4:30 P.M.

Act No. 108 S.J.R. 49—Wilson

SENATE JOINT RESOLUTION

URGING THE NATIONAL BOAT LAW ADMINISTRATOR'S ASSOCIATION TO STUDY THE POSSIBILITY OF PROTECTIVE COVERS FOR BOAT PROPELLERS.

WHEREAS the public's outdoor recreational activities continue to expand at an ever-increasing rate throughout the nation; and

WHEREAS Alabama has 155,000 pleasure boats registered; and

WHEREAS boating accident statistics reveal there have been many serious and sometimes fatal injuries caused by boaters coming in contact with propellers; and

WHEREAS skiers and persons falling from boats are most vulnerable to an out of control motor boat; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the National Boat Law Administrator's Association, to whom a copy of this resolution shall be sent, is hereby called upon to address itself to the feasibility of requiring a protective guard over propellers

RESOLVED FURTHER, That this Association take whatever steps are necessary to alleviate this hazardous condition for all recreational boats in the nation.

Approved July 29, 1975.

Time: 7:15 P.M.

Act No. 109 S. 160—Mitchell

AN ACT

To amend Section 1 of Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), providing for the speed of motor vehicles on the highways of this State so as to give the Governor certain authority to establish a different rate of speed in order to receive federal funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), providing for the speed of motor vehicles on the highways of this State, is hereby amended to read as follows:

"Section 1. It shall be unlawful for any person to operate a motor vehicle on the highways of the State of Alabama at a speed greater than hereinafter provided.

"(a) No person shall operate a passenger vehicle, a passenger bus or any motor truck having a box or express type body, of three-quarters of a ton capacity or less, commonly known as pick-ups or pick-up trucks, at a speed in excess of 60 miles per hour during the hours of daylight or 50 miles per hour during the hours of night *unless a different maximum rate of speed is authorized by the Governor under authority granted in Section (c) hereafter.* For the purpose of this act daylight shall be one-half hour before sunrise to one-half hour after sunset.

"(b) No person shall operate a truck with a rated capacity of more than 3/4 ton at a rate of speed greater than 50 miles at any time *unless a different maximum rate of speed is authorized by the Governor under authority granted in Section (c) hereafter.*

"(c) The Governor is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1975.

Time: 7:15 P.M.

Act No. 110 H.J.R. 184—Crowe

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENT-

ATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Tuesday, July 29, 1975, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of five from the House, to be named by the Speaker of the House. and a committee of four from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved July 29, 1975.

Time: 7:15 P.M.

Act No. 111 S. 194—Owen

AN ACT

To make an appropriation to the Division of Game and Fish, Department of Conservation and Natural Resources from the Game and Fish Fund for the purchase of radio communications equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated and allotted the sum of Eighty One Thousand, Two Hundred Fifty Dollars ($81,250.00) from the Game and Fish Fund, to the Division of Game and Fish of the Department of Conservation and Natural Resources for the purchase of radio communications equipment including radio base stations, control heads, tone devices, etc., pursuant to the order of the Montgomery County Circuit Court in case #31466.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 6, 1975.

Time: 3:00 P.M.

Act No. 112 S.J.R. 48—Edwards

SENATE JOINT RESOLUTION

COMMENDING BARRETT SHELTON SR.

WHEREAS Barrett Shelton Sr., a leader in the growth

of Decatur, the Tennessee Valley and America, received the annual Audie Murphy Patriotism Award in the centerpiece ceremony of the Spirit of America Festival at Point Mallard; and

WHEREAS Barrett Shelton, publisher of the *Decatur Daily,* has been an integral and effective part of every civic project undertaken in Decatur; and

WHEREAS Barrett Shelton is a truly great American and Alabamian; and

WHEREAS this legislature would like to recognize and pay tribute to this fine patriot who has made lasting contributions to his country and to his state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Barrett Shelton, Sr., to whom a copy of this resolution shall be sent.

Approved August 6, 1975.

Time: 3:00 P.M.

Act No. 113 S.J.R. 53—Givhan

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF HOMER DEWITT GILLEY

WHEREAS HOMER DeWitt Gilley of Demopolis passed away June 13, 1975; and

WHEREAS He was an outstanding member of the Masonic Lodge No. 49, Demopolis. He served in various stations and offices of the Lodge, holding the office of Master for 8 years; and

WHEREAS He became a thirty-second degree Scottish Rite Mason of the Mobile Scottish Rite Bodies. He served as president of the West Alabama Scottish Rite Association in 1968; and

WHEREAS He also was a member of the Tombigbee Chapter No. 51 Order of the Eastern Star where he served in many stations. He was Worthy Patron in 1967 and 1968; and

WHEREAS for his loyal and devoted service to Masonry in general and to the Scottish Rite in particular, the Supreme Council 33-degree Washington, D.C. saw fit to invest him with the rank and decoration of the Court of Honor in 1969; and

WHEREAS throughout his life Homer DeWitt Gilley was active in various community groups and in church work. At one time or another he served as custodian of his church (United Methodist of Demopolis), a member of the official board and chairman of the Board of Stewards; and

WHEREAS through his many activities in his church and lodge and in general living in the Demopolis community for 47 years, Homer Gilley made many friends of all ages who will never forget the lessons and wisdom of this great Alabamian; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Homer DeWitt Gilley and express our deep and sincere sympathy to his wife and family to whom copies of this resolution shall be sent.

Approved August 6, 1975.

Time: 3:00 P.M.

Act No. 114 S.J.R. 54—Torbert

SENATE JOINT RESOLUTION

COMMENDING THE PHENIX CITY EXCHANGE CLUB.

WHEREAS the Phenix City Exchange Club is dedicated to promoting and supporting good government in Phenix City and Russell County; and

WHEREAS even though this is the club's first year of operation, it has been active in implementing city programs. The club, consisting of 20 members, has been busy promoting the Bicentennial Year by selling flags and using the revenue to restore a park area in Phenix City; and

WHEREAS the Phenix City Exchange Club promoted and sponsored the "Youth of the Month" contest; and

WHEREAS Garry Martin, a 17 year old youth of Phenix City won the contest and went on to win the state "Youth of the Year" contest; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Phenix City Exchange Club.

RESOLVED FURTHER, That a copy of this resolution be sent to the Phenix City Exchange Club.

Approved August 6, 1975.

Time: 3:00 P.M.

Act No. 115 S.J.R. 55—Torbert

SENATE JOINT RESOLUTION

CONGRATULATING GARRY MARTIN FOR BEING NAMED THE ALABAMA EXCHANGE CLUB'S "YOUTH OF THE YEAR."

WHEREAS Garry Martin, son of Mr. and Mrs. James David Martin of Phenix City, was named the state winner in the "Youth of the Year" contest at the Exchange Club's State Convention in Huntsville; and

WHEREAS Garry is a 17 year old Central High Senior who competed against 20 other seniors from throughout the state; and

WHEREAS he maintained an A average in school, participated in social studies and science fairs and was a member of the Beta Club, National Honor Society and student council; and

WHEREAS Garry was chosen "Most Intellectual" and "Most Likely to Succeed" by his classmates; and

WHEREAS he plans to attend Harvard University on an academic scholarship; and

WHEREAS this legislature is proud of this talented, brilliant and versatile young man; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Garry Martin on his selection as the Exchange Club's "Youth of the Year."

RESOLVED FURTHER, That a copy of the resolution be sent to Garry, his parents, the Phenix City Exchange Club and Central High School.

Approved August 6, 1975.

Time: 3:00 P.M.

Act No. 116 S.J.R. 60—Little

SENATE JOINT RESOLUTION

THANKING THE RUSSELL CORPORATION FOR THE BASEBALL SHIRTS

WHEREAS, members of the Alabama House of Representatives and the Alabama Senate take this opportunity to commend Russell Corporation of Alexander City for enabling

members of these two legislative bodies to have personalized T-shirts manufactured by that company and

WHEREAS, the members of the Alabama House of Representatives and Alabama Senate wore these T-shirts while participating in a benefit softball game at Paterson Field in Montgomery, Alabama, on the night of Wednesday, July 16, 1975, and

WHEREAS, the general public attending this legislative softball game, honoring the Montgomery Rebels Baseball team, was able to identify each House and Senate member by their chamber and district number imprinted on the T-shirt,

THEREFORE, BE IT RESOLVED by the Legislature of Ala., that members of these two legislative bodies express their sincere appreciation to Russell Corporation for its outstanding support in the efforts of the Alabama Legislature to bring about a better feeling of goodwill among the people of this great State of Alabama.

Approved August 6, 1975.

Time: 3:00 P.M.

Act No. 117 S.J.R. 61—Perry, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. MILES HALL, JR. UPON THE BIRTH OF A SON.

WHEREAS Mr. and Mrs. Miles Hall, Jr. became the proud parents of a son born on July 18; and

WHEREAS John Powell Hall weighed 10 lbs. and 6 oz.; and

WHEREAS Senator Jerry Powell and his wife Julie are the ecstatic grandparents; and

WHEREAS we share our colleague's joy at this fine new addition to his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr.

and Mrs. Miles Hall, Jr. are hereby congratulated on the birth of their new son.

BE IT FURTHER RESOLVED, That all rights, duties and privileges of being a grandpa are bestowed on Senator Jerry Powell.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Miles Hall, Jr., 116 Company Street, Wetumpka, Alabama 36092.

Approved August 6, 1975.

Time: 3:00 P.M.

Act No. 118 H.J.R. 123—Callahan

HOUSE JOINT RESOLUTION

SELECTING REPRESENTATIVE NAT SONNIER OF MOBILE TO BE THE LEGISLATIVE MEMBER REPRESENTING ALABAMA TO THE GULF STATES MARINE FISHERIES COMMISSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature of Alabama does select and elect Rep. Nat Sonnier of Mobile to be its representative to the Gulf States Marine Fisheries Commission in accordance with the provisions of Section 2 of Act No. 51, H. 89, 1947 Regular Session (General Acts of Alabama, p. 17).

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 119 H.J.R. 138—Sasser and the Entire Membership of the House of Representatives

HOUSE JOINT RESOLUTION

COMMENDING DR. DAVID MATHEWS.

WHEREAS Dr. David Mathews, president of the University of Alabama, has recently been appointed as U. S. Secretary of Health, Education and Welfare; and

WHEREAS Dr. Mathews has served the University well. The University has become a model for the Deep South due to his efforts; and

WHEREAS Dr. Mathews exemplifies those qualities of leadership and dedication which make him an asset and a source of pride to the State of Alabama; and

WHEREAS this legislature would like to pay tribute to this great, but humble man who has made outstanding contributions to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate Dr. David Mathews and wish him success in his new position.

RESOLVED FURTHER, That a copy of this resolution be sent to Dr. Mathews.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 120 H.J.R. 146—Roberts

HOUSE JOINT RESOLUTION

CONGRATULATING THE KEY CLUB ON THEIR 50TH ANNIVERSARY.

WHEREAS the Key Club is celebrating its 50th anniversary; and

WHEREAS the Key Club began in Pasadena, California in 1925 under the supervision of the Kiwanis Club; and

WHEREAS the Key Club is a dedicated boys high school organization serving the needs of its community and school; and

WHEREAS the year's theme is 50 years of caring — only the beginning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature Congratulates the Key Club on its 50th anniversary.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State President of the Key Club.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 121 H.J.R. 150—Rich

HOUSE JOINT RESOLUTION

CONGRATULATING MISS JOSEPHINE BOOKER UPON HER RETIREMENT.

WHEREAS, Miss Josephine Booker has served Etowah County and the State of Alabama for forty-one years by her work in the public schools, and

WHEREAS, 37 of those 41 years were spent at Glencoe, 16 years as principal of Glencoe Elementary, and

WHEREAS, Miss Booker had to work her way through Alabama College, now known as the University of Montevallo, where she graduated in 1938 and graduate work at the University of Alabama and Jacksonville State University, exemplifying the American Spirit, and

WHEREAS, The entire state, Etowah County, and the Glencoe Community is indebted to Miss Booker for the leadership, guidance, teaching and training she has provided thousands of Alabama students, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and express our gratitude for a job well done upon her retirement.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 122 H.J.R. 151—Moore (O)

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. JESSIE RYAN.

WHEREAS Mrs. Jessie Ryan recently retired as counselor at Leeds High School; and

WHEREAS Mrs. Ryan has touched the lives of most of the families of Leeds through her career as elementary teacher, high school instructor and counselor; and

WHEREAS Mrs. Jessie Ryan has been active in civic organizations in Leeds including the Leeds Welfare Agency, Leeds Beautification Board, Business and Professional Women, and the Order of Eastern Star; and

WHEREAS Mrs. Ryan has taught Sunday School at Leeds First Baptist Church for more than forty-five years, served as church clerk and has been president of the Women's Missionary Union;

WHEREAS Mrs. Ryan's youthful outlook, vivacity and warm personality have endeared her to all who have been fortunate enough to be her friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does congratulate Mrs. Jessie Ryan upon her retirement and does commend her for her many years of activities and services to the people of Leeds.

BE IT FURTHER RESOLVED, That this Legislature does wish for her a long and continued life of happiness in her retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Jessie Ryan.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 123 H.J.R. 152—Andrews

HOUSE JOINT RESOLUTION

COMMENDING WAYNE JONES, PASTOR OF THE EASTSIDE BAPTIST CHURCH.

WHEREAS, the Reverend Wayne Jones has faithfully served the congregation of Eastside Baptist Church; and

WHEREAS, the Reverend Wayne Jones has devoted his life to serve man and God; and

WHEREAS, the Reverend Wayne Jones is a saintly man and a leader of God's flock; and

WHEREAS, the Reverend Wayne Jones not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Wayne Jones of Eastside Baptist Church on his services to God and man and do wish him many more years of such wonderful and faithful service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Wayne Jones.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 124 H.J.R. 153—Andrews

HOUSE JOINT RESOLUTION

COMMENDING JACK LE GRAND, PASTOR OF THE GLEN IRIS BAPTIST CHURCH

WHEREAS, The Reverend Jack LeGrand has faithfully served the congregation of Glen Iris Baptist Church; and

WHEREAS, the Reverend Jack LeGrand has devoted his life to serve man and God; and

WHEREAS, the Reverend Jack LeGrand is a saintly man and a leader of God's flock; and

WHEREAS, the Reverend Jack LeGrand not only serves the needs of his congregation, but performs a vital service to his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Jack LeGrand of Glen Iris Baptist Church on his services to God and man and do wish him many more years of such wonderful and faithful service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Jack LeGrand.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 125 H.J.R. 165—Holmes and the Entire Membership of the House of Representatives

HOUSE JOINT RESOLUTION

REGRETTING THE RECENT INJURY OF OUR COLLEAGUE REPRESENTATIVE RAY BURGESS AND WISHING HIM A SPEEDY RECOVERY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all members of this body regret the recent injury to our friend and colleague Representative Ray Burgess and sends our best wishes for a speedy recovery.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 126 H.J.R. 168—Manley

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE HUGH MERRILL AND SENATOR GEORGE McMILLAN FOR THEIR WORK ON PASSAGE OF THE BILL GRANTING FULL ADULT RIGHTS TO 19 YEAR OLDS.

WHEREAS Representative Hugh Merrill and Senator George McMillan are the sponsors and chief proponents of the recently enacted bill providing full adult rights to persons 19 years of age or older; and

WHEREAS Representative Merrill and Senator McMillan have worked diligently for passage of this bill since 1973; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representative Hugh Merrill and Senator George McMillan are commended for their work on passage of the bill granting full adult rights to 19 year olds.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Representative Merrill and Senator McMillan.

BE IT FURTHER RESOLVED, That this Act shall be known as the "Merrill-McMillan Adult Rights Act."

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 127 H.J.R. 190—Wyatt

HOUSE JOINT RESOLUTION

PROCLAIMING MISS MILDRED SMITH AS MONTGOMERY COUNTY'S NO. 1 CITIZEN.

WHEREAS Miss Mildred Smith, a reporter for the Montgomery Advertiser for many years and currently a columnist for the Montgomery Independent, the Troy Messenger and the Luverne Journal, has contributed generously and endlessly to Montgomery County; and

WHEREAS the tireless Miss Smith has dedicated her life to improving the quality of living in Montgomery County. She was a pioneer in establishing the Dixie Electric Corporation which brought electricity to many rural residents, as well as a leader in the rural water association which succeeded in providing pure water to hundreds of families; and

WHEREAS Miss Mildred Smith was the founder of the Mon-Cre Telephone Corporation which brought communication to the Southern part of Montgomery County and to the Northern part of Crenshaw County; and

WHEREAS she has long been a staunch supporter of education, assisting many deserving students with scholarships; and

WHEREAS through her activities as a reporter, Miss Smith has supported and aided many civic groups and worthwhile organizations; and

WHEREAS South Montgomery Academy recognized the many contributions of Miss Smith by holding a "Mildred Smith Day"; and

WHEREAS she has always remained cheerful and strong under extreme hardships, even when her house recently burned after being struck by lightning; and

WHEREAS this legislature would like to recognize and pay tribute to this fine, gentle lady who has given so much to her community, county, and state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING. That we proclaim Miss Mildred Smith as Montgomery County's No. 1 Citizen.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Smith.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 128 H.J.R. 194—Callahan

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE KEN MALONE

WHEREAS our distinguished colleague, Representative Ken Malone, has been honored with a nomination for election to the office of Secretary of the Southwest Labor Council; and

WHEREAS Representative Ken Malone has a very distinguished and honorable career in the field of labor; and

WHEREAS Representative Malone is not only extremely capable but very deserving of this position; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we wish Representative Malone every success toward this prestigious position and encourage the members of the Southwest Labor Council to so honor him with their vote.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 129 H.J.R. 145—Riddick, Lutz, Smith (B)

HOUSE JOINT RESOLUTION

COMMENDING THE HUNTSVILLE-MADISON COUNTY PUBLIC LIBRARY

WHEREAS the benefits of community-operated radio broadcasting have never been available to Alabama citizens while such are accessible to residents of forty-four other states; and

WHEREAS at the request of 34,000 persons in North Alabama, the Huntsville-Madison County Public Library Board and Director Elbert L. Watson, strongly supported by Madison County Commission Chairman James Record, undertook in 1972 to make such public radio broadcasting services available; and

WHEREAS the Federal Communications Commission on July 2, 1975, did issue to this Library Board the first Construction Permit for such a public broadcasting station within Alabama; and

WHEREAS the Department of Health, Education and Welfare did simultaneously award to the Library funds to construct such broadcasting station; and

WHEREAS Public Radio Station WPLH-FM will be operated by the Huntsville Library on 89.3 mghz, at 100,000 watts, to serve unmet needs of 3,000,000 persons in Alabama, Tennessee, and Mississippi; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does congratulate the Huntsville-Madison County Public Library upon obtaining such FCC permit and construction award, and commend the Library Board and Director for their recognition of the public library's obligation to provide needed information through whatever communication means are available in today's world.

BE IT FURTHER RESOLVED That this Legislature does commend the efforts of the Huntsville-Madison County Library Board and Director, as well as other public libraries throughout this State, for their efforts to meet the informational needs of Alabama citizens.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Library Board and Director and the Madison County Commission Chairman.

Approved August 11, 1975.

Time: 3:10 P.M.

Act No. 130 H. 240—Manley, Crowe, Carothers, Burgess, Teague, Biddle, Gafford, Sasser, Clark, Baker, Whatley, Wyatt, Williams, Smith (J), Cates, Holley, Reed, Quarles, Dial, McCluskey, Sandusky, Folmar, Glass, Kennedy, Cooper, LeFlore, White, Boles, Johnstone, Shelton, Jolly, Armstrong, Weeks, Smith (M), Plaster, Malone, Starkey, Moore (O), Trammell

AN ACT

To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to

safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699) is hereby amended and re-enacted to read as follows:

"AN ACT

"To establish a state ethics commission and to provide a state ethics law, which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units.

"BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

"SECTION 1.

"(a) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the renumeration provided by law; and that there by public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, herefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts

of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

"(c) Also, the legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions and on current issues; and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this Act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

"(d) It is the policy and purpose of this Act to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service.

"SECTION 2. Whenever used in this Act, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

"(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

"(b) "Business with which he is associated" means any business of which the person or a member of his family, is an officer, owner, partner, employee or holder of more than 10% of the fair market value of such business.

"(c) "Candidate for public office" means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(d) "Commission" means the State Ethics Commission.

"(e) "Legislative employee" means any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of $12,000 or more per year.

"(f) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

"(g) "Lobbyist" means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

"(h) "Reporting Year" means the reporting official's or employee's fiscal tax year as it applies to his United States Income Tax Return(s).

"(i) 'Public Employee' means any employee of state, county or municipal governments who has administrative and discretionary authority for the receipt or expenditures of public funds or *who earns in excess of $15,000 annually* but shall not include those persons who are primarily engaged in teaching duties in all schools, colleges, and universities in the State.

"(j) "Public Employee's Family" means the employee's spouse and dependents.

"(k) "Public Official" means any elected official at the state, county, or municipal level of government and any person appointed under state, county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges and universities of the State; members of city and county in-

dustrial boards, planning and zoning boards, schools boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils having jurisdiction with respect thereto, in all cities whose population is more than 15,000 according to the last decennial census. This definition excludes members of all other boards not named including but not limited to those commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the State of Alabama.

"(1) "Public Official's Family" means the official's spouse and dependents.

"SECTION 3.

"(a) No public official or employee shall use an official position or office to obtain direct personal financial gain for himself, or his family, or any business with which he or a member of his family is associated unless such use and gain are specifically authorized by law.

"(b) Unless prohibited by the Alabama Constitution, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of his legislative duties.

"SECTION 4. No person shall offer to or give to a public official or employee or his family, and none of the aforenamed shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family member would be influenced thereby. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

"SECTION 5. No public official or employee or his family shall solicit or receive any money in addition to that received by the official or employee in his official capacity for advice or assistance on matters concerning the legislature, an executive department, or any public regulatory board, commission or other body. No public official or employee or business with which he is associated shall receive any fee, salary, wages or other compensation for services provided to the State or any of its agencies or to any County, or City or instrumentalities thereof unless a disclosure statement provided for this section shall be filed with the Commission by the person rendering the services. The statement shall include the following information: (1) The

name of the employer (2) the amount of the compensation received for the employment and (3) the date of employment.

"**SECTION 6.** No public official or employee shall use or disclose confidential information gained in the course of or by reason of his position or employment in any way that could result in financial gain other than his regular salary as such state officer for himself, his family, or for any other person.

"**SECTION 7.** Unless expressly provided otherwise by law no person shall serve as a member or employee of a state, county or city regulatory board or commission or other body that regulates any business with which he is associated.

"**SECTION 8.** If a public official or employee, or member of his family, or a business with which any of them is associated, shall for a fee represent a client or constituent before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of such representation must be given within five days after the first day of such appearance to the State Ethics Commission in the manner prescribed by the commission. Provided, that no member of the Legislature shall for a fee, reward or other compensation represent any person, firm or corporation before the Public Service Commission or the State Board of Adjustment.

"**SECTION 9.** (a) Unless exempted under Alabama Competitive bid laws or otherwise permitted to do so under law, no public official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such contract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed. A copy of each contract regardless of the amount, entered into by a public official, employee, family member, and any business with which any of them is associated, shall be filed with the State Ethics Commission.

"**SECTION 10.** No person shall offer or give to a member or employee of a governmental agency, board or commission that regulates a business with which such person is associated, and no member or employee of a governmental regulatory agency, board or commission shall solicit or accept from any such person anything of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board or commission. However, expenses associated with social entertainment af-

forded members and employees shall not be deemed a thing of value within the meaning of this section.

"SECTION 11. No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of three years after he leaves such membership or employment, unless notice of such representation is given within five days after such appearance to the State Ethics Commission in the manner prescribed by the commission; furthermore, no former public official or employee shall enter into a contract with any governmental agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided.

"SECTION 12.

"(a) No person elected or employed to serve as a public official or employee shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a statement of economic interests in accordance with the provisions of this Act at the office of the State Ethics Commission. Such statement shall be made on a form provided by the commission and shall contain the following information on the person making such filing:

"1. Name, residential address, business; name and address of living spouse, minor and dependent children, adult children, parents, brothers, and sisters, and to the best of his knowledge the principal occupation of each of these persons.

"2. A list of occupation(s) to which one-third or more of working time was given during previous reporting year by the filing official or employee and spouse;

"3. A listing of total combined family income of the public official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than $1,000; at least $1,000 and less than $10,000; $10,000 or more. Further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependents, jointly or severally, own one-tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee, or consultant where such service provides income of more than $1,000 for the reporting period;

"4. If the filing public official or employee, or his spouse, has engaged in a business during the last reporting year which

provides legal, accounting, medical, or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipe line companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine, and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than $1,000; more than $1,000 but less than $10,000; $10,000 or above;

"5. If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than $1,250; $1,250 or more;

"6. If real estate that is held for investment or is revenue producing is held by a public official, his spouse or dependents, then a listing thereof by the following categories of fair market value: under $50,000; at least $50,000 but less than $250,000; $250,000 or more; and the following categories of annual gross rent and lease income on real estate: less than $10,000; at least $10,000; at least $10,000 and less than $50,000; $50,000 or more. Furthermore, if a public official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"7. A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: banks, savings and loan associations, insurance companies, mortgage firms, and stock brokers (The commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: less than $25,000; $25,000 but less than $50,000; $50,000 but less than $100,000; $100,000 or more. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement. Filing required by subsections of this section shall reflect information and facts in existence at the

end of the reporting year. In the event that said information required herein is not filed as required the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file said report after receipt of said notification.

"(b) After the original filing of the above prescribed statement(s) each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subsections 5, 6 and 7 of this section shall reflect information and facts in existence at the end of the reporting year.

SECTION 13. Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this Act at the office of the State Ethics Commission.

"(a) Each official who receives a declaration of candidacy or petition to appear on the ballot for election as a state official and each official who nominates a person to serve as a state official shall, within five days of such receipt or nomination, notify the State Ethics Commission of the name of each new candidate for state office as defined in this Act, and the date on which such person became a candidate.

"(b) The State Ethics Commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.

"(c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this Act within ten days after he becomes a candidate, his name shall not appear on the ballot. However, the State Ethics Commission may in its discretion allow the candidate an additional five days to file such statement of economic interests because of mistake, omission, error or other good cause.

"(d) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this Act within ten days after such nomination, the nomination shall not be approved or ratified until at least ten days after he has filed such statement of economic interests.

SECTION 14.

"(a) When any citizen of the State or business with which he is associated represents for a fee any person before a state

regulatory agency or commission or department of the executive branch, he shall report to the State Ethics Commission the name of any adult child, parent, spouse, brother or sister who is an official or an employee of that state regulatory agency or commission or department of the executive branch.

"(b) When any citizen of the State or business with which he is associated enters into a contract for the sale of goods or services to the State of Alabama or any of its agencies in amounts exceeding $1,000, he shall report to the State Ethics Commission the names of any adult child, parent, spouse, brother or sister who is an official or employee of the agency or department with whom the contract is made. However, this section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

"(c) Each regulatory agency, commission or department of the executive branch or any agency of the State of Alabama shall be responsible for notifying citizens affected by this act of the requirements of this provision.

SECTION 15.

"(a) Every governmental agency head shall file reports with the commission on any matters that come to his attention which may constitute a violation of this Act.

"(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

"(c) The commission shall prepare and publish, prior to the implementation of this Act, procedures for review or appeal of any action taken against or in regard to any person covered in this Act.

SECTION 16.

"(a) There is hereby created a State Ethics Commission which shall be composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character. No member of the commission shall be eligible for appointment to succeed himself. The members of such commission shall be appointed by the following officers: the Governor, the Lieutenant-Governor, and the Speaker of the House of Representatives and shall assume their duties upon confirmation by the Senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors

are appointed and have qualified. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the Governor. The commission shall elect one member to serve as chairman of the commission and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office. As soon as all the members of the board have been appointed the Governor shall call and provide for the holding of an organizational meeting of the commission.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.

"(c) The commission shall at the close of each fiscal year report to the legislature and the Governor concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the monies it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(d) Members of the Commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of $50 per day, and each such member shall be paid the actual and necessary expenses incurred in the performance of his duties as a member of the commission when approved by the chairman thereof.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to the provisions of this Act and also to the provisions of law prohibiting political activities by state employees.

"(f) The commission shall appoint an Executive Director and such other staff as is needed. All such appointees shall serve at the pleasure of the commission. All such employees, except for the Executive Director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The compensation of the Executive Director shall be fixed by the Commission, but shall not exceed $25,000 per year. The Executive Director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the commission shall not delegate the making of regulations to the Executive Director. The commission may require the Executive Director to

draft regulations but no regulation shall be implemented by the Executive Director until adopted by the commission members.

"(g). The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to waive any rule or regulation presented relative to any disclosure statement, provided such waiver is done in writing stating the reason why and made a part of the public record.

"(h) No person heretofore appointed to the Ethics Commission pursuant to Act No. 1056, S-1, Regular Session of 1973 shall be eligible for appointment or membership of the commission after the effective date of this act.

SECTION 17. It shall be the duty of the commission:

"(a) To prescribe forms for statements required to be filed by this Act, and to furnish such forms to persons required to file such statements;

"(b) To prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this Act;

"(c) To accept and file any information voluntarily supplied that exceeds the requirements of this Act;

"(d) To develop a filing, coding, and cross-indexing system consonant with the purposes of this Act;

"(e) To make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to regulations requiring identification by name, occupation, address and telephone number of each such person examining information on file with the commission. However, no copies of reports and statements will be removed from the office of the State Ethics Commission.

"(f) To preserve such reports and statements for a period of six years from date of receipt;

"(g) To make investigations with respect to statements filed under the provisions of this Act, and with respect to alleged failures to file any statement required under the provisions of this Act and, upon complaint by any individual with respect to alleged violation of any part of this Act; and whenever in its opinion a thorough audit of any person or any business should be made in order to determine whether this Act has been violated, the commission shall direct the Examiner of Public Accounts to have such audit made and a report thereof filed with the commission. The Examiner of Public Accounts shall upon receipt of such directive immediately comply therewith;

"(h) To report suspected violations of law to the appropriate law enforcement authorities;

"(i) To issue, upon request and publish advisory opinions on the requirements of this Act, based on a real or hypothetical set of circumstances. The written opinion of the State Ethics Commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county, or municipal sub-division of the state because of any official action or actions performed as directed or advised in such opinion.

"(ii) To initiate and continue programs for the purpose of educating candidates, officials, employees and citizens of Alabama on matters of ethics in government service.

"(j) To prescribe, publish and enforce rules and regulations to carry out the provisions of this Act. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least thirty days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this Act.

"(k) After the commission has been organized pursuant to this Act and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for sixty days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this Act shall be thereby implemented.

"(1) No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to $1,000, or both.

"(m) In all matters that come before the commission concerning a complaint on an individual the laws of due process shall be strictly adhered to.

SECTION 18.

"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five (5) days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, the following information:

"(1) the registrant's full name and address;

"(2) the registrant's normal business and business adress;

"(3) the full name and address of the registrant's principal(s);

"(4) a listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) if a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: 1-5; 6-10; 11-25; over 25;

"(6) a statement signed by the principal(s) that he has or they have read the registration, knows its contents, and has authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s).

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

SECTION 19. Every person registered under Section 18 of this Act and every principal employing such lobbyist shall file with the commission a sworn statement concerning the activities set out in said section. The report must be filed between the 1st and 15th day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than $1,000; $1,000-$3,000; more than $3,000; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

"(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf;

"(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee;

"(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf.

"SECTION 20.

"(a) A person who ceases to engage in activities requiring him to register under Section 18 of this Act shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is effective immediately.

"(b) A person who files a notice of termination under this section must file the reports required under Section 18 and 19 of this Act for any reporting period during which he was registered under this Act.

"SECTION 21. All reports filed under Sections 18, 19 and 20 of this Act are public records and shall be made available for public inspection during regular business hours.

"SECTION 22. No person, for the purpose of influencing legislation, may

"(1) knowingly or willfuly make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or

"(2) knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such member in writing of the truth.

"SECTION 23. The provisions of Section 18, 19, 20, 21 and 22 shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action.

"SECTION 24. Nothing in the provisions of this Act shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature.

"SECTION 25.

"(a) Any person who violates any provision of this Act and is found guilty shall be fined not more than $10,000 or be

imprisoned for not more than 10 years or both.

"(b) All prosecutions for violations of this Act shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this Act do not limit the power of either house of the legislature to discipline its own members or to impeach public officials, and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this Act; and the venue of any suit or action under this Act shall be in the county of the residence of the defendant.

"(e) Nothing in this Act is intended to, nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

"**SECTION 26.** Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee, or any other person covered by this Act, knowing such complaint to be false or inaccurate shall be guilty of the crime of malicious prosecution.

"Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court decree to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within 6 months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above, plus an equal amount to the general fund of the state.

"If any person, accused of violating this Article is acquitted upon trial, then such person may, in the discretion of the court or jury, recover in an action at law from the person who brought the charge against him a sum equal to three times the damages thereby caused.

"**SECTION 27.** No former member of the House of Representatives or the Senate of the State of Alabama shall be extended floor privileges of either body in a lobbying capacity.

"**SECTION 28.** The Legislature shall appropriate such sums as it deems necessary to implement the provisions of this Act.

"SECTION 29. Any citizen wishing to file a complaint against any public official or employee covered by this Act shall initially file said complaint with the Commission. If the Commission does not take proper action within forty-five days, then he said citizen may file the said complaint with the Attorney General or other officers authorized to enforce this Act.

"SECTION 30. The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part which remains.

"SECTION 31. This Act shall be construed in pari materia with other laws dealing with the subject matter hereof, and repeals all laws and parts of laws in conflict herewith.

"SECTION 32. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding on August 7, 1975.

Act No. 131 S.J.R. 68—Ellis

SENATE JOINT RESOLUTION

EXTENDING THE TIME OF REPORTING OF THE JOINT INTERIM COMMITTEE TO STUDY THE STATE PARKS CREATED BY ACT NO. 212, S.J.R. 39, THIRD SPECIAL SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study all facets of the state parks, created by Act No. 212, SJR 39, Third Special Session 1975, is hereby extended and shall report its finding to the legislature by the twenty-eighth legislative day of the Regular Session 1975 and upon the submission of its report shall be dissolved.

Approved August 13, 1975.

Time: 3:45 P.M.

Act No. 132 S. 132—Torbert

AN ACT

To repeal and re-enact Section 11, Title 3, Code of Alabama 1940, as amended, pertaining to cruelty to animals.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 3, Section 11, is hereby amended to read as follows:

"Section 11. Cruelty to animals.—Any person who tortures, torments, cruelly beats, mutilates, cruelly kills, overrides, overloads, or inflicts any unnecessary cruelty upon any animal, and whoever, having charge, custody or control of any animal, either as owner or otherwise, inflicts any unnecessary cruelty on, or who fails to provide the necessary sustenance, water and proper shelter for any such animal, must, upon conviction, be fined not more than $500.00 and in addition thereto may be sentenced to the county jail for not more than 3 months; this section shall not apply to the dehorning of cattle and normally accepted animal husbandry practices nor to the use of animals in connection with medical or scientific teaching or research.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 13, 1975.

Time: 3:45 P.M.

Act No. 133 H.J.R. 116—Rich

HOUSE JOINT RESOLUTION

WHEREAS, Alabama's Sunday closing laws have caused much controversy over the past few years, and

WHEREAS, the courts have ruled that the laws are vague and should be rewritten or repealed in order to clarify this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that an interim committee to study Alabama's "Sunday Closing Laws", be created and report back to the Legislature no later than the 31st Legislative day. The committee shall consist of a chairman and three other members of the House of Representatives to be appointed by the Speaker of the House and a Vice-chairman and two other members of the Senate to be appointed by the Lt. Governor. Committee members shall serve without receiving any additional compensation or expense allowance other than the compensation or expense allowance received for their regular legislative duties.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 134 H. 57—Martin, Roberts, Cross, Drake

AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Trinity in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property:

Tract I: A tract of land containing 54.482 acres, more or less, lying in the SE¼ of Section 17, Township 5 South, Range 5 West, Morgan County, Alabama, being more particularly described as follows:

Beginning at a concrete monument at the SE corner of Section 17, Township 5 South, Range 5 West, and thence running North 3 degrees 15 minutes West along the east boundary of said Section 17 a distance of 815 feet; thence North 70 degrees 49 minutes West 378 feet; thence North 84 degrees 05 minutes 30 seconds West 61 feet; thence North 68 degrees 24 minutes West 230 feet; thence South 79 degrees 42 minutes West 90 feet; thence North 68 degrees 12 minutes West 230 feet; thence North 13 degrees 27 minutes West 118 feet; thence North 79 degrees 45 minutes West 200 feet; thence North 31 degrees 15 minutes West 80 feet; thence South 83 degrees 45 minutes West 135 feet; thence South 77 degrees 45 minutes West 335 feet; thence South 50 degrees 45 minutes West 530 feet; thence South 3 degrees 15 minutes East parallel with the east boundary of said Section 17, a distance of 1020 feet to a point on the south boundary of said Section 17; thence running North 85 degrees 35 minutes 42 seconds East along said south boundary of Section 17 a distance of 2,063.41 feet to the point of beginning.

Tract II: A tract of land containing 70.518 acres, more or less, lying in the SE¼ of Section 17, Township 5 South, Range 5 West, Morgan County, Alabama, being more particularly described as follows:

Beginning at a concrete monument at the SE corner of Section 17, Township 5 South, Range 5 West, and thence running North 3 degrees 15 minutes West along the east boundary of said Section 17 a distance of 815 feet to the true point of beginning; thence continue running North 3 degrees 15 minutes West along said east boundary of the Section a distance of 1,828.46 feet to the NE corner of the SE¼ of said Section 17;

thence running South 86 degrees 20 minutes 20 seconds West along the North boundary of said SE¼ a distance of 2,063.46 feet; thence running South 3 degrees 15 minutes East parallel with the east boundary of said Section 17 a distance of 1,614.24 feet; thence North 50 degrees 45 minutes East 530 feet; thence North 77 degrees 45 minutes East 335 feet; thence North 83 degrees 45 minutes East 135 feet; thence South 31 degrees 15 minutes East 80 feet; thence South 79 degrees 45 minutes East 200 feet; thence South 13 degrees 27 minutes East 118 feet; thence South 68 degrees 12 minutes East 230 feet; thence North 79 degrees 42 minutes East 90 feet; thence South 68 degrees 24 minutes East 230 feet; thence South 84 degrees 05 minutes 30 seconds East 61 feet; thence South 70 degrees 49 minutes East 378 feet to the true point of beginning.

Tract III: A tract of land containing 82 acres, more or less, lying in the S½ of Section 17, Township 5 South, Range 5 West, Morgan County, Alabama, described as follows:

Beginning at the SE corner of Section 17, Township 5 South, Range 5 West, and thence running South 86 degrees 35 minutes 42 seconds West along the south boundary of said Section 17 a distance of 2,063.41 feet to the true point of beginning; thence continue South 86 degrees [3] 25 minutes 42 seconds West along said south boundary of Section 17 a distance of 1,907.69 feet to the SW corner of the SE¼ of the SW¼ of said Section 17; thence continue along said south boundary of Section 17 a distance of 160 feet; more or less to a point on the centerline of the Trinity-Branch; thence following said centerline of Branch as it meanders North 30 degrees East 130 feet, more or less; North 10 degrees West 610 feet, more or less; North 40 degrees 710 feet, more or less; to a point on the north boundary of the SW¼ of the SW¼ of said Section 17; thence running North 86 degrees 23 minutes 01 seconds East along said north boundary of SW¼ of SW¼ a distance of 525 feet, more or less, to the NE corner of the said SW¼ of SW¼; thence continue North 86 degrees 28 minutes 01 seconds East along the north boundary of the SE¼ of the SW¼ a distance of 1,324.14 feet to the NE corner of said SE¼ of SW¼; thence running North 3 degrees 17 minutes 15 seconds West along the east boundary of the NE¼ of the SW¼ of said Section 17 a distance of 1,315.81 feet to the NE corner of said NE¼ of SW¼; thence running North 86 degrees 20 minutes 20 seconds East along the north boundary of the SE¼ of said Section 17 a distance of 585.72 feet; thence running South 3 degrees 15 minutes East parallel with the east boundary of said Section 17 a distance of 2,634.24 feet to the true point of beginning.

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 135 H. 58—Martin, Roberts, Cross, Drake

AN ACT

To amend Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur so as to raise the amount of expenditure for any new construction, additions, or replacements to the electric plant requiring approval by the City Council of the City of Decatur.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur is hereby amended to read as follows:

"Section 15. EXPENDITURES FOR CONSTRUCTIONS OR ADDITIONS.—No expenditures for any new construction, additions, or replacement to any public utility, or the equipment used by the same, shall be made by the Board where the total expense will be more than $25,000.00 without the consent and approval of the City Council of the City of Decatur, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 136 H. 71—Roberts, Sasser, Martin, Naramore, Falkenburg, Cross, Smith (B)

AN ACT

Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, Title 22, Section 21, be amended to read as follows:

"Section 21. Registration Districts Defined. For the purpose of this act the state shall be divided into sixty-seven (67) primary registration districts as follows: Each county in the state shall constitute a primary registration district; provided, that the State Board of Health may sub-divide the primary district to facilitate registration; and it may establish any hospital, charitable or penal institution a sub-division registration district. Primary districts shall be limited to the county involved."

Section 2. Code of Alabama, Title 22, Section 22, be amended to read as follows:

"Section 22. Local Registrars and Deputy Registrars of Vital Statistics; Their Appointment, Terms of Office, and Removal Provided For. In each registration district as defined in the preceding section a local registrar and deputy registrar shall be appointed by the State Board of Health upon the recommendation of the county health officer. A county health officer shall be eligible for appointment as a local registrar of Vital Statistics; but, if so appointed, he shall serve without additional renumeration therefore. All local registrars shall be employees of the county health department; each county shall have one local registrar and they shall serve without additional remuneration. When it appears necessary for the convenience of the citizens of any primary registration district, and for improving registration, the State Board of Health is authorized to appoint deputy registrars from persons recommended by the local registrar. Such deputies shall be authorized to prepare birth, death and stillbirth certificates and to issue burial or removal permits in and for such portions of the registration district as may be designated. Each such deputy registrar shall forward all certificates, together with his endorsement on the back of each certificate, to the local registrar of the district, within three days after the event; provided, however, that each such deputy registrar shall be under the supervision of the local registrar and shall be subject to the control of the state registrar. Each local and deputy registrar shall renew their application through the county health officer to serve as such every two years on a calendar year basis to the state registrar of Vital Statistics. The term of office of local registrars and deputy registrars of Vital Statistics so appointed shall depend upon satisfactory performance and renewal of application; provided, that each shall hold office until his successor shall have been appointed, unless such office shall become vacant by death, disqualification, operation of law, or other cause. Each local registrar and deputy registrar shall notify the State Board of Health of his intent to resign at least ten days before any resignation shall take effect, whereupon his successor shall be appointed. Qualifications of local registrars and deputy regis-

trars of Vital Statistics hereafter appointed shall be prescribed by the State Board of Health; provided that no licensed embalmer or undertaker, and no person employed in the business of embalming, undertaking, or making or selling caskets, shall be eligible for appointment as a local registrar or deputy registrar. In each primary registration district consisting of a hospital, charitable or penal institution, the deputy registrar shall be the superintendent, warden or person in charge. Any local registrar or deputy registrar of Vital Statistics, who fails or neglects to discharge efficiently the duties of his office as set forth in this chapter, or by the rules and regulations of the State Board of Health shall be forwith removed by the State Board of Health and such penalties may be imposed as are provided."

Section 3. This act is intended to relate entirely to the Alabama vital statistics system and is not intended to have effect on any other laws or parts of laws except to the extent in conflict with the positive provisions hereof.

Section 4. The provisions of the act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 137 H. 84—Smith (B), Riddick, Roberts, White, Carothers, Johnson, Falkenburg

AN ACT

To require the directors of all laboratories in this state to report all positive tests for tuberculosis to the State Board of Health, and prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The person in charge of any laboratory in this state which performs tests for tuberculosis shall report in writing to the State Board of Health or its designated officer all positive tests. The reports shall include in writing the name and other available data relating to the person whose sputa, gastric contents, or other specimens submitted for examination reveal the presence of tuberculosis. Such report shall include the name and address of the physician or of any other person or

agency referring such positive speciments for clinical diagnosis.

Section 2. The State Board of Health is authorized to make rules and regulations prescribing the times for making such reports, the form and content of the report, and such rules as are necessary and proper for carrying out the purpose of this act.

Section 3. The reports required by this act shall be confidential and shall not be subject to public inspection or admission into evidence in any court except upon express order of the court.

Section 4. Any person violating the provisions of this act shall be guilty of a disdemeanor and upon conviction shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for each such violation and, in addition, such continued failure shall constitute just cause for revocation of license.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective on the first day of the first month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 138 H. 123—Gafford

AN ACT

To amend the title and Section 1 of Act No. 302, S. 394, approved August 27, 1915 (Acts 1915, p. 322), creating an election commission for certain cities classified on a population basis, and to provide further for the composition of such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 302, S. 394, approved August 27, 1915 (Acts 1915, p. 322), are hereby amended to read as follows:

"An act to create an election commission for all cities having populations of three hundred thousand or more, according to the most recent federal decennial census; to provide for the composition of such commission and to define its powers and duties.

"Section 1. In all cities of the State of Alabama which have populations of three hundred thousand or more, according to the most recent federal decennial census, the mayor, the city attorney and the president of the city council shall constitute an election commission for such cities. Provided, however, if either the mayor or the president of the council is a candidate for office, the mayor shall appoint a member of the city council who is not a candidate for office to serve on the election commission for the election in which the mayor or the president is a candidate. In the event that both the mayor and the president of the council are candidates for office in one and the same election, the mayor shall appoint two members of the council who are not candidates for office to serve on the election commission in their stead.

"It shall be the duty of the election commission to have charge of and hold all municipal elections, including bond elections, initiative, referendum and recall elections. The election commission shall appoint all election managers, clerks and returning officers, designate places for the holding of municipal elections, shall arrange and prepare the ballot, shall decide as to the validity of all petitions necessary or incidental to elections, make such laws and regulations as may be necessary to prohibit illegal voting, shall canvass the vote and declare the results of elections and shall be custodian of the ballots after election until the time of filing contests shall have passed, after which they shall destroy the ballots and it shall be the duty of the said commission to give notice of elections as required by law and to do and perform all acts relating to municipal elections, which are now or which may hereafter be vested by law in the governing body of such city. Two members of such commission shall constitute a quorum and may exercise the powers and duties herein mentioned. The city clerk or secretary of the city commission shall act as secretary of the commission herein provided for. The expenses of elections shall be paid out of the city treasury."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 139 H. 181—Plaster, Hines, Quarles, Wyatt, Holmes, Lewis, Gafford, Sasser, Kinsey, Holley, Smith (C), Morris, Waggoner, Mitchem, Kelley

AN ACT

To amend Title 52, Section 341, Code of Alabama, 1940, to provide that the city or county superintendent may excuse an educator from attendance at institute held prior to the beginning of the school term or during the term in the same manner and under the same policies governing such leave on any other regularly scheduled work day.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 52, Section 341, Code of Alabama, 1940, is hereby amended to read as follows:

"Section 341. Excuses for non-attendance of institute. — The county superintendent of education or the city superintendent of education shall have the power to excuse and accept excuses from educators for failure to attend institutes held under the provisions of this chapter. Such actions shall be governed by the same policies which govern leave on any other regularly scheduled work day. Persons so excused shall be demmed to have met all requirements of institute attendance and shall be entitled to pay."

Section 2. All laws or parts of laws in conflict herewith are expressly repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 140 H. 301—Manley, Pegues

AN ACT

To authorize the Marengo County Commission to pay an expense allowance to the judge of probate in Marengo County, and to make the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marengo County Commission is hereby authorized to pay from the general fund of the county to the judge of probate in Marengo County, in addition to all other sums provided by law, a monthly expense allowance for clerical assistance of not more than five hundred dollars ($500), the exact amount to be fixed and determined at the discretion of the county commission.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act shall be retroactive to January 1, 1974.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 141 H. 323—Biddle

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Gardendale, in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Gardendale in Jefferson County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to wit:

Commence at the northeast corner of the northwest quarter of section 4, township 16 south, range 2 west, Jefferson County, Alabama which is the point of beginning; thence run west along the north said quarter section to the southeast corner of section 32, township 15 south, range 2 west; thence run west along the south section line to the southeast corner of the southwest quarter of the southeast quarter of said section; thence run north along the east said quarter-quarter section line to the southwest corner of the northeast quarter of the northeast quarter of the southeast quarter of said section; thence run east along the south said quarter-quarter section to the southeast corner of said quarter-quarter section; thence run north along the east said quarter-quarter section line to the northeast corner of the southeast quarter of the northeast quarter of said section; thence run west along the north said quarter-quarter section line to the southeast corner of the northeast quarter of the northeast quarter of section 31, township 15 south, range 2 west; thence run north along the east said quarter-quarter section to the northeast corner of section 31, township 15 south, range 2 west; thence run west along the north said section to the northwest corner of said section; thence run south along the west said section line to the northeast corner of the northeast quarter of the southeast quarter of section 36, township 15 south, range 3 west; thence run west along the north line of said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of the southeast quarter of said section;

thence run west along the north said quarter-quarter section to the northwest corner of the southeast quarter of the southwest quarter of said section; thence run south along the west said quarter-quarter section to the southwest corner of the southeast quarter of the southwest quarter; thence run east along the south said quarter-quarter section to the southeast corner of said section 36; thence run north along the east said section line to the southwest corner of the northwest quarter of the southwest quarter of section 31, township 15 south, range 2 west; thence run east along the south said quarter-quarter section to the southeast corner; thence run north along the east said quarter-quarter section to the southwest corner of the southeast quarter of the northwest quarter of said section; thence run east along the south said quarter-quarter section to the intersection with Cunningham Creek; thence follow Cunningham Creek in a southeasterly direction to the west quarter-quarter section line of the northwest quarter of the southeast quarter of said section; thence run south along the west quarter-quarter section line to the northwest corner of the southwest quarter of the southeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the northeast quarter of the northwest quarter of section 6, township 16 south, range 2 west; thence run west along the north said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run south along the west said quarter-quarter section to the southwest corner of said quarter-quarter section; thence run east along the south said quarter-quarter section to the northwest corner of the southwest quarter of the northeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of said section; thence run west along the north said quarter section to the northwest corner of said quarter section; thence run south along the west said quarter section to the northeast corner of the northeast quarter of the northeast quarter of section 12, township 16 south, range 3 west; thence run west along the north said quarter-quarter section to the northwest corner of said quarter-quarter section; thence run south along the west said quarter-quarter section to the northwest corner of the southeast quarter of the northeast quarter of said section; thence run south along the west said quarter-quarter section to the northwest corner of the northeast quarter of the southeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of the southeast quarter section to the northeast corner of the southwest quarter of the southeast quarter of said section; thence run west along the north said quarter-quarter section to the northeast corner of Rolling Hills Estates, as recorded in Map Book 76, Page 51, of the public records of Jefferson County; thence run south along the east line of Rolling Hills Estates 616.31 feet; thence

west along the south line of Rolling Hills Estates to the west line of said quarter-quarter section; thence run south along the west said quarter-quarter section to the southwest corner of said quarter-quarter section; thence run east along the south said quarter-quarter section to the southeast corner of said section 12; thence run north along the east line of said section to the southwest corner of the northwest quarter of the southwest quarter of section 7, township 16 south, range 2 west; thence run east along the south said quarter-quarter section to the northwest corner of the southeast quarter of the southwest quarter of said section; thence run south along the west said quarter-quarter section 660 feet more or less; thence run east parallel with the north said quarter-quarter section 1000 feet more or less; thence run south parallel with the east quarter-quarter section 330 feet more or less; thence run east parallel with the north said quarter-quarter section 330 feet more or less to the west quarter-quarter section line of the southwest quarter of the southeast quarter of said section; thence run south along the quarter-quarter section to the northwest corner of the northeast quarter of section 18, township 16 south, range 2 west; thence run south along the west said quarter section to the southwest corner of said quarter section; thence run east along the south said quarter section to the northwest corner of the northeast quarter of the southeast quarter of said section; thence run south along the west said quarter-quarter section to the northeast corner of the southwest quarter of the southeast quarter of said section; thence run west along the north said quarter-quarter section to the northwest corner of the east one-half of said quarter-quarter section; thence run south along the west line of the east one-half of said quarter-quarter section to the south line of said quarter-quarter section; thence run east along said south line to the northwest corner of the northeast quarter of the northeast quarter of section 19, township 16 south, range 2 west; thence run east to the southeast corner of the southwest quarter of the southwest quarter of section 17, township 16 south, range 2 west; thence run north along the east said quarter-quarter section to the southwest corner of the northeast quarter of the southwest quarter of section 17, thence run east along said south quarter-quarter section to the southeast corner of said quarter-quarter section; thence run north along the east quarter-quarter section to the southwest corner of the northeast quarter of said section; thence run east along the south of said quarter section to the southeast corner of said quarter section; thence run north along the east quarter section to the northeast corner of said section, also being the southwest corner of section 9, township 16 south, range 2 west; thence run east along the south of said section to the southeast corner of the west one-half of the southwest quarter of the southeast quarter of section 9; thence run north along the east line of said west one-half to the south line of the northeast quarter of said

section; thence run east along said south line to the southeast corner of the southwest quarter of the northeast quarter of said section; thence run north along the east said quarter-quarter section to the northeast corner of the northwest quarter of the northeast quarter of said section, also being the southeast corner of the southwest quarter of the southeast quarter of section 4, township 16 south, range 2 west; thence run north along the east said quarter-quarter section to the northeast corner of said quarter-quarter section; thence run west along the north said quarter-quarter section to the southeast corner of the northeast quarter of the southwest quarter of said section; thence run north along the east said quarter-quarter section to the southeast corner of the northwest quarter of said section; thence run north along the east line of said quarter section to the northeast corner of the northwest quarter of said section; being the point of beginning.

Less and except the following tracts of land:

(a) The northwest quarter of the northwest quarter of section 9, township 16 south, range 2 west; the south one-half of the southwest quarter of section 4, township 16 south, range 2 west and the southeast quarter of the southeast quarter of section 5, township 16 south, range 2 west.

(b) The northwest quarter of the northwest quarter of section 5, township 16 south, range 2 west and; Begin at the northwest corner of the northeast quarter of section 6, township 16 south, range 2 west; thence run south along the west said quarter-quarter section to the southwest corner of said quarter-quarter section; thence run east along the south said quarter-quarter section to the southeast corner of said quarter-quarter section; thence run north along the east line of said quarter-quarter section to the southeast corner of the north one-half of the northeast quarter of the northeast quarter of said section 6; thence run northwesterly to the northwest corner of the northeast quarter of the northeast quarter of said section 6; being the point of beginning.

(c) Property owned by the Pine Crest Country Club as shown by that certain deed recorded in Real Volume 483 Page 218 in the Office of the Judge of Probate of Jefferson County, Alabama.

(d) Property identified as New Castle Number 2 or individual properties; ten (10) as described in the following:

Lots numbered 50, 51, 53, 54, and 55; a part of lots numbered 57, 249, and 250. Lots numbered 251, 252, and 253. These lots or portions of are located in the northeast quarter of the southeast quarter of southeast quarter section 18, township 16 south, range 2 west.

A part of lots numbered 57 and 60 located in the extreme southeast corner of the northeast quarter of the southeast quarter section 18, township 16 south, range 2 west.

Lots numbered 203, 203A, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 64, 65, 188, and 216. A part of lots numbered 187, 191, and 217, located in the south one-half of the northwest quarter of southwest quarter, section 17, township 16 south, range 2 west.

Lots numbered 248, and 219. Part of lots numbered 217, 218, 240, 242, 247, and 249, located in north one-third of the southwest quarter, of southwest quarter section 17, township 16 south, range 2 west.

Lots numbered 223, 225, 226, 228, 230, 231, 232, 233, 234, and 234A, fronting on Spruce Street and located in the center of the southwest quarter of southwest quarter of section 17, township 16 south, range 2 west.

Lots numbered 171, 172, 173, 174, 175, 176, 171A, 178, 179, 180, 181, 182, 183, 185 and 186. A part of lots numbered 187, 191, 167, 184, and 168 are located in the western half of the northeast quarter of the southwest quarter section 17, township 16 south, range 2 west.

Lots numbered 67, 68, 68A, 69, 69A, 70, 71, 73, 73A, 74, 76 and individual acreage number 1, located in the eastern one-half of the southwest quarter of the northwest quarter section 17, township 16, south, range 2 west.

Lots numbered 78, 80, 71, 83, 85, 155, 157, 160, 164, 165 and 170. A part of lots numbered 86, 88, 168, and individual acreage number 4, are located in the southeast quarter of the northwest quarter section 17, township 16 south, range 2 west.

Lots numbered 140, 141, and a part of lot numbered 139 are located in the northwest quarter of the southwest quarter of northeast quarter section 17, township 16 south, range 2 west.

Lots numbered 89, 91, 144 and individual acreage numbered 9 and 10. Part of lots numbered 9 and 10. Part of lots numbered 86, 143, 144A and individual acreage numbered 3, 4, and 7 are located in the Eastern one-half of the northeast quarter of the northwest quarter section 17, township 16 south, range 2 west.

Lots numbered 93, 94, 95, 96A, 142A, 143A, 135A, 136, 137, 138, and individual acreage number 8. Part of lots numbered 96B, 142, 143, 144A, 134A, 134, 135, 139 and individual acreage number 3 are located in the northwest quarter of the northeast quarter section 17, township 16 south, range 2 west.

Lots numbered 98, 98A, 142B, 100, 99, 97, 102, 103, 104, 105, 108, 109, 114, 115, and 116. A part of lots numbered 96, 101, 111, 117, 118, 119, 134A, 142 and individual acreage number 4, are located in the Southeast quarter of the southeast quarter section 8, township 16 south, range 2 west. A corner of lot 117 extends into the southeast corner of the northwest quarter of the southeast quarter section 8, township 16 south, range 2 west.

Lots numbered 113, 120, 121, 107, 122, 123, 127, 129, 130, 131, 132, 134B, 135B, 130A, 129 and 129A. A part of lots numbered 118, 119, 111, 106, 124, 133, 134A and individual acreage number 2, are located in the southeast quarter of the southeast quarter section 8, township 16 south, range 2 west.

A part of lots numbered 106, 124 and individual acreage number 2, extend into the southern portion of the northeast quarter of the southeast quarter section 8, township 16, south, range 2 west.

A part of lots numbered 133 and 134 are located in the northwest corner of the northeast quarter of the northeast quarter section 17, township 16 south, range 2 west.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 142 H. 391—Gafford

AN ACT

To authorize the Clerk of the House and Secretary of the Senate to trade in any equipment purchased for the use of the respective houses of the Legislature on purchases of new equipment therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the House is hereby authorized to trade in any equipment purchased for the use of the House of Representatives of the Alabama Legislature when purchasing new equipment for the use of the House; and the Secretary of the Senate is authorized to trade in any equipment purchased for the use of the Senate when purchasing new equipment for the use of the Senate.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 5:55 P.M.

Act No. 143 H. 702—McNees

AN ACT

Relating to Fayette County; further regulating the compensation of the county superintendent of education; and giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the county superintendent of education of Fayette County shall be fixed by the County Board of Education. The amount thereof shall not be less than fifteen thousand dollars per annum and shall not exceed the sum of $22,500 per annum, to be paid at the same time and in the same manner as now prescribed by law for the payment of compensation to the county superintendent of education of Fayette County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective July 1, 1975.

Approved August 14, 1975.

Time: 5:55 P.M.

Act No. 144 H. 712—Plaster, Lockett

AN ACT

To authorize county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census to enter into cooperative agreements for the administration of comprehensive land management con-

trols as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V, p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Any county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 inhabitants according to the most recent federal decennial census, may enter into cooperative agreements, whereby the county governing body is authorized to adopt and regulate within each municipality in said county, at the request of each such municipality, those comprehensive land management controls as authorized under Act. No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V., p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1975.

Time: 4:55 P.M.

Act No. 145 H.J.R. 105—McMillan, Kinsey, Smith (J), McCorquodale, Callahan, Sandusky, Hill, Malone, Hines, Crowe, Mitchem, Morris, Carter, Biddle, McNees, Lutz, White, Starkey, Johnson, Clark, Sparks, Moore (O), Drake, Dial, Cooper, Armstrong, Martin, McCluskey, Kelley, Waggoner, Teague, Quarles, Falkenburg, Cates, Whatley, Higginbotham, Edwards, Pegues, Shelton, Ford, Turnham, Folmar, Sasser, Lockett, Owens, Jackson (F), Campbell, Manley, Robertson, Sonnier, Kennedy, McCulley, Warren, Johnstone, Carothers, Harris, Barron, Crawford, Smith (M), Cross, Venable

HOUSE JOINT RESOLUTION

PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE GOVERNMENT OF THE UNITED STATES, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

WHEREAS an ever-increasing public debt is inimical to the general welfare of the people of the United States; and

WHEREAS the national debt is already dangerously high and any further increases will be harmful and costly to the people of the United States; and

WHEREAS a continuous program of deficit financing by the Federal Government is one of the greatest factors supporting the inflationary conditions presently existing in this country and therefore has been the chief factor in reducing the value of the American currency; and

WHEREAS payment of the increased interest required by the ever-increasing debt would impose an undue hardship on those with fixed incomes and those in lower income brackets; and

WHEREAS it is not in the best interest of either this or future generations to continue such a practice of deficit spending particularly since this would possibly deplete our supply of national resources for future generations; and

WHEREAS by constantly increasing deficit financing the Federal Government has been allowed to allocate considerable funds to wasteful and in many instances nonbeneficial public programs; and

WHEREAS by limiting the Federal Government to spend only the revenues that are estimated will be collected in a given fiscal year, except for certain specified emergencies, this could possibly result in greater selectivity of Federal Government programs for the benefit of the public and which would depend upon the willingness of the public to pay additional taxes to finance such programs; and

WHEREAS there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourths (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby petitions the Congress of the United States to convene a convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment which would prohibit deficit spending by the Government of the United States, except in times of a national emergency.

BE IT RESOLVED FURTHER, That the legislature of each of our sister states is urged to give the most serious consideration to the problems arising from deficit spending, and to petition the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment which would prohibit deficit spending by the Government of the United States, except in times of national emergency.

BE IT RESOLVED FURTHER AND ALTERNATIVELY, That this body strongly urges the Congress of the United States to prepare and submit to the several states an amendment to the Constitution of the United States that would prohibit such deficit spending.

BE IT RESOLVED FURTHER, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Alabama Congressional Delegation, and to the executive authority of each of our sister states for transmittal to its legislature.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 146 H.J.R. 109—Robertson, McCorquodale, Crowe, Sparks, Edwards, Burgess, Albright, Johnson, Waggoner, Armstrong, Turnham, White, Manley, Holmes, Warren, Boles, Goodwin, Lee, Clark, Carter, Biddle, Gafford, Coburn, Andrews, Trammell, Hopping, Moore (O), Martin, Greer, McNees, Mitchem, Taylor, Weeks, Owens, Naramore, Starkey, Quarles, Whatley, Crawford, Carothers, Sasser,

Smith (C), Harris, Lewis, Howard, Callahan, Pegues, Higginbotham, Campbell, Jackson (F), Sonnier, Glass, Smith (M), McCulley, Malone, LeFlore, Hall, Ford, Venable, McCluskey, Williams, Lockett, Plaster, Brindley, Roberts, Kelley, Cross, Johnstone, Cooper, Lutz, Gregg, Falkenburg, Moore (W), Tucker, Killian, Shelton, Smith (B), McNair, Rich

HOUSE JOINT RESOLUTION

URGING CONGRESS AND THE PRESIDENT NOT TO RELINQUISH THE PANAMA CANAL.

WHEREAS U. S. ownership of the Panama canal is essential to American defense and security as well as to the American economy; and

WHEREAS the United States financed and built the Panama Canal with a construction period of about 10 years in the early part of this century at what was then a great cost; and

WHEREAS the United States acquired title to the canal zone in perpetuity; and

WHEREAS the canal zone is considered a government reservation; and

WHEREAS it is imperative to Alabama and Southern economy that the U. S. retain control of the canal; and

WHEREAS some liberals in Congress desire to relinquish American title to the Panama canal; and

WHEREAS such foolhearty action would be not only destructive but also dangerous; and

WHEREAS this legislature recognizes the seriousness of such proposed action and is adamantly opposed to it; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge Congress and the President not to surrender any title to or interest in the Panama Canal.

RESOLVED FURTHER, That a copy of this resolution be sent to the President of the United States and to each member of the Alabama Congressional Delegation.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 147 H.J.R. 140—Turnham, Sasser

HOUSE JOINT RESOLUTION

BE IT RESOLVED By The Legislature Of Alabama, Both Houses Thereof Concurring:

That there is hereby created a joint interim committee for the purpose of making an investigation and study relative to amending the probate law of Alabama to conform to the Uniform Probate Code.

The Committee shall be composed of four members from the House, to be appointed by the Speaker of the House, and three members from the Senate, to be appointed by the Lieutenant Governor. The members of the committee shall elect a chairman and a vice-chairman.

The members of the Committee shall be allowed, for not exceeding ten days, the regular per diem for expenses now allowed the members of the Legislature for their attendance during regular sessions. Payment shall be made upon certificates of attendance signed by the Chairman or Vice-Chairman.

The Committee shall seek the advice, assistance and cooperation of the Alabama Law Institute, the Alabama Bar Association, and other persons or groups of persons in an effort to do everything possible to improve the probate laws of Alabama, and to that end may hold public hearings if deemed advisable.

The Committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth (5th) legislative day of the 1976 Regular Session, whereupon the Committee shall be dissolved.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 148 H.J.R. 157—Andrews

HOUSE JOINT RESOLUTION

COMMENDING James Lawson, Pastor of the Packer Memorial Baptist Church.

WHEREAS the Reverend James Lawson has faithfully served the congregation of the Packer Memorial Baptist Church; and

WHEREAS the Reverend James Lawson has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend James Lawson is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend James Lawson not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend James Lawson of the Packer Memorial Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Reverend James Lawson.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 149 H.J.R. 158—Andrews

HOUSE JOINT RESOLUTION

COMMENDING Daryl Jones, Pastor of the Roebuck Park Baptist Church.

WHEREAS the Reverend Daryl Jones has faithfully served the congregation of the Roebuck Park Baptist Church; and

WHEREAS the Reverend Daryl Jones has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Daryl Jones is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend Daryl Jones not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we most heartily commend the Reverend Daryl Jones of the Roebuck Park Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Reverend Daryl Jones.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 150 H.J.R. 161—Teague, Dial

HOUSE JOINT RESOLUTION

COMMENDING LUTHER L. CROWE

WHEREAS Sgt. First Class Luther L. Crowe of Troop E, 31st Cavalry, Childersburg has been awarded the Army Commendation Medal for his efforts in saving the life of James R. Hamilton; and

WHEREAS Sgt. Crowe, a member of the Alabama Army National Guard, was instrumental in saving the life of Spec. 5 James R. Hamilton by trying to stop the bleeding when Hamilton severed an artery in his arm by accidentally falling through a glass window in the orderly room at Camp Shelby last year; and

WHEREAS Sgt. Crowe's speedy actions and gallant efforts deserve much praise and recognition; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Luther L. Crowe to whom a copy of this resolution shall be sent.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 151 H.J.R. 162—Higginbotham, Turnham

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WALTER L. RICE, SR.

WHEREAS, on July 17, 1975, Walter L. Rice, Sr. a lifelong resident of Lee County died after a long life of service to Opelika and Lee County; and

WHEREAS, Mr. Rice was a respected Lee County Contractor for many years, and founder of Walter L. Rice, Inc. Contractors; and

WHEREAS, Mr. Rice was a charter member of Trinity Presbyterian Church; and

Whereas, he gave unselfishly of life and commitment to his community and many friends. He was a member of the Elks Club, Masons, Shriners and former member of the Opelika Exchange Club; and

Whereas, throughout his life he had a deep sensitivity toward his fellow citizens and his philosophy for living endeared him to all who knew him; and

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that this body does mourn the passing of Walter L. Rice, Sr., and does send sincere condolences to the surviving members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his children, Walter L. Rice, Jr., Opelika; Mrs. Louis Nelson, Tampa, Florida; and Mrs. William H. Jones, Auburn.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 152 H.J.R. 164—Kinsey

HOUSE JOINT RESOLUTION

CONGRATULATING SANDRA PARKER FOR BEING NAMED CHAMPION SKEET SHOOTER.

WHEREAS Sandra Parker has recently been named Ladies State Champion Skeet Shooter with a 28 gauge shotgun; and

WHEREAS in addition to the state championship, she brought home two second place and one third place medals from the Big Oaks Skeet and Trap Club at Lacey's Springs; and

WHEREAS she hit 93 out of 100 rounds to win the state championship with a 28 gauge shotgun; and

WHEREAS Sandra Parker has won or placed at the Firecracker Open and the Ladies Skeet at the Chickasaw Gun Club; and

WHEREAS Ms. Parker's natural shooting ability became apparent when she scored 50 straight shots approximately six months after she started shooting; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our hearty congratulations to Ms. Sandra Parker upon being named champion skeet shooter.

BE IT RESOLVED FURTHER That a copy of this resolution be sent to Ms. Sandra Parker.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 153 H.J.R. 167—Kinsey

HOUSE JOINT RESOLUTION

COMMENDING MRS. HATTIE SMITH

WHEREAS Mrs. Hattie Smith was recently elected by the Alabama Chamber executives as first vice-president of their statewide association; and

WHEREAS the charming Mrs. Smith has been manager of the South Baldwin Chamber of Commerce for the past five years; and

WHEREAS she has been a member of the board of directors of the Chamber of Commerce Executives Association for three years and has held the office of second vice-president during 1974-75; and

WHEREAS the lovely Mrs. Smith has tirelessly and consistently given of herself to her community and state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend this fine lady who is an asset to the State of Alabama.

RESOLVED FURTHER That a copy of this resolution be sent to Mrs. Hattie Smith.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 154 H.J.R. 170—Pegues

HOUSE JOINT RESOLUTION

WHEREAS, under the provisions of Senate Joint Resolution 14, Act No. 4, of the Regular Session of the Legislature, 1975, a Select Joint Committee was created to study the rising cost to the State of the Medicare and Medicaid programs. This Committee was charged with reporting its findings to the Legislature not later than the fifteenth legislative day, and

WHEREAS, because of the extensive study being made by this committee we request an additional ten (10) legislative days before submitting our final report.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the life of this committee be extended 10 Legislative days.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 155 H.J.R. 174—Dial, Teague

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RANDY G. OWENS.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Randy G. Owens of Randleman, North Carolina; and

WHEREAS Mr. Owens was the father of two young boys; and

WHEREAS Mr. Owens tragically lost his life in an accident at the Alabama International Motor Speedway; and

WHEREAS Randy G. Owens was the brother-in-law of Richard Petty; and

WHEREAS Mr. Owens was serving as a member of Richard Petty's pit crew at the Speedway; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Randy G. Owens and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 156 H.J.R. 175—Andrews

HOUSE JOINT RESOLUTION

COMMENDING Charles E. Baker, Pastor of the John Wesley Bible Church.

WHEREAS the Reverend Charles Baker has faithfully served the congregation of the John Wesley Bible Church; and

WHEREAS the Reverend Charles Baker has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Charles Baker is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend Charles Baker not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Charles E. Baker of the John Wesley Bible Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of wonderful and faithful service, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Reverend Charles E. Baker.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 157 H.J.R. 176—Andrews

HOUSE JOINT RESOLUTION

COMMENDING Jerry W. Batson, pastor of the South Roebuck Baptist Church.

WHEREAS the Reverend Jerry Batson has faithfully served the congregation of the South Roebuck Baptist Church; and

WHEREAS the Reverend Jerry Batson has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Jerry Batson is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD'S FLOCK; and

WHEREAS the Reverend Jerry Batson not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Reverend Jerry W. Batson of the South Roebuck Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of wonderful and faithful service, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Reverend Jerry W. Batson.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 158 H.J.R. 177—Glass

HOUSE JOINT RESOLUTION

COMMENDING MRS. EMMA LEE JACKSON SMEE

WHEREAS Mrs. Emma Lee Jackson Smee started delivering babies at the age of twenty-seven and has performed this necessary and valuable service for her community for 30 years; and

WHEREAS she was always there when she was needed regardless of the many hardships that she encountered; and

WHEREAS she deserves much praise and many thanks for being of service to her community when times were hard; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Emma Lee Jackson Smee.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 159 H.J.R. 181—Sparks, Drake

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF FORMER GOVERNOR JAMES E. FOLSOM

WHEREAS former Governor of Alabama, James E. Folsom, has recently suffered a stroke; and

WHEREAS he has contributed much to his state and community; and

WHEREAS this legislature would like to wish a speedy recovery to this fine gentleman and statesman; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we regret the illness of former Governor James E. Folsom to whom a copy of this resolution shall be sent.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 160 H.J.R. 185—Andrews

HOUSE JOINT RESOLUTION

COMMENDING John A. Troxler, Pastor of the Seventy-Sixth Street Presbyterian Church.

WHEREAS the Reverend John A. Troxler has faithfully served the congregation of the Seventy-Sixth Street Presbyterian Church; and

WHEREAS the Reverend John A. Troxler has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend John A. Troxler is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's flock; and

WHEREAS the Reverend John A. Troxler not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, That we most heartily commend the Reverend John A. Troxler of the Seventy-Sixth Street Presbyterian Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend John A. Troxler.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 161 H.J.R. 186—Andrews

HOUSE JOINT RESOLUTION

COMMENDING Mike Todd, Pastor of the Lake Highland Baptist Church.

WHEREAS the Reverend Mike Todd has faithfully served the congregation of the Lake Highland Baptist Church; and

WHEREAS the Reverend Mike Todd has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Mike Todd is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's Flock; and

WHEREAS the Reverend Mike Todd not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED by the legislature of Alabama, both houses thereof concurring, That we most heartily commend the Reverend Mike Todd of the Lake Highland Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Reverend Mike Todd.

Approved August 15, 1975.

Time: 3:30 P.M.

HOUSE JOINT RESOLUTION

Act No. 162 H.J.R. 187—Andrews

COMMENDING John N. Foster, Pastor of the Lakewood Baptist Church.

WHEREAS the Reverend John N. Foster has faithfully served the congregation of the Lakewood Baptist Church; and

WHEREAS the Reverend John N. Foster has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend John N. Foster is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's flock; and

WHEREAS the Reverend John N. Foster not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, That we most heartily commend the Reverend John N. Foster of the Lakewood Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend John N. Foster.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 163 H.J.R. 189—Higginbotham

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF THOMAS M. LAMBERT, SR.

WHEREAS, on July 26, 1975, Thomas M. Lambert, Sr., a resident of Opelika for 50 years died; and

WHEREAS, Mr. Lambert was a respected Lee County businessman and founded Lambert Transfer and Storage, Inc. in 1925; and

WHEREAS, throughout his life he was well known for his intense honesty, dedication to hard work and integrity; and

WHEREAS, he was deeply loved by his 18 grandchildren and 9 great grandchildren and influenced their lives with his love and devotion to his family; and

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that this body does mourn the passing of Thomas M. Lambert, Sr., and does send sincere condolences to the surviving members of his family.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to his wife and children: Ealon M. Lambert, Montgomery; Douglas Lambert, Florence; Mrs. C. E. Hunley, Opelika; T. M. Lambert, Jr., Florence and Dr. Charles Lambert, Talladega.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 164 H.J.R. 193—Glass

HOUSE JOINT RESOLUTION

COMMENDING N. R. HORTON FOR HIS CONTRIBUTIONS TO THE SEAFOOD INDUSTRY.

WHEREAS pioneering boat builder N. R. Horton, president of Marine Builders, Inc., Mobile, Alabama, has recently completed his latest contribution to the seafood industry, an 86-foot steel shrimper, "Champ"; and

WHEREAS the "Champ" incorporates two specially designed hydraulic winches which are the result of five years of thinking and planning by Horton; and

WHEREAS the design of these hydraulic winches is but the latest of a series of innovations in shrimping made by Horton. Back in 1944 he launched the first steel shrimper and in 1971 he began launching 83-foot mini-factory ships, carrying their own grading, packaging and freezing facilities; and

WHEREAS N. R. Horton deserves much praise and recognition for his contributions to the shrimping industry; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend N. R. Horton to whom a copy of this resolution shall be sent.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 165 H.J.R. 200—Kinsey

HOUSE JOINT RESOLUTION

NAMING HIGHWAY 98 FROM SPANISH FORT TO BARNWELL THE "EASTERN SHORE PARKWAY"

WHEREAS Highway 98 from Spanish Fort to Barnwell runs through the beautiful western area of Baldwin County; and

WHEREAS this highway runs past some of the most beautiful homes in this state along the Eastern Shore of Mobile Bay; and

WHEREAS the annual Dogwood Trail is held along this scenic route; and

WHEREAS this area played a vital part in the early settlement of Alabama by the Spanish and French; and

WHEREAS the famed Grand Hotel at Point Clear is located on this highway; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Highway 98 from Spanish Fort to Barnwell in Baldwin County is hereby designated the "Eastern Shore Parkway."

BE IT RESOLVED FURTHER, That the State Highway Department shall cause appropriate signs and markers to be erected so designating it.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 166 H.J.R. 201—Andrews

HOUSE JOINT RESOLUTION

COMMENDING Robert Earl McKee, Pastor of the Eighty-Fifth Street Baptist Church.

WHEREAS the Reverend Robert Earl McKee has faithfully served the congregation of the Eighty-Fifth Street Baptist Church; and

WHEREAS the Reverend Robert Earl McKee has devoted his life to serving ALMIGHTY GOD and helping his fellowman; and

WHEREAS the Reverend Robert Earl McKee is a saintly man and an instrument of the HOLY SPIRIT in the leadership of God's flock; and

WHEREAS the Reverend Robert Earl McKee not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that we most heartily commend the Reverend Robert Earl McKee of the Eighty-Fifth Street Baptist Church for his services to ALMIGHTY GOD and his fellowman and do wish him many more years of such wonderful and faithful service, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend Robert Earl McKee.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 167 H.J.R. 202—Andrews

HOUSE JOINT RESOLUTION

COMMENDING Isaac B. McDonald, Pastor of the Ruhama Baptist Church.

WHEREAS the Reverend Isaac B. McDonald has faithfully served the congregation of the Ruhama Baptist Church; and

WHEREAS the Reverend Isaac B. McDonald has devoted his life to serving ALMIGHTY GOD and helping his fellow-man; and

WHEREAS the Reverend Isaac B. McDonald is a saintly man and an instrument of the HOLY SPIRIT in the leadership of GOD's FLOCK; and

WHEREAS the Reverend Isaac B. McDonald not only serves the needs of his congregation, but performs a vital service to his community; now therefore,

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we most heartily commend the Reverend Isaac B. McDonald of the Ruhama Baptist Church for his services to ALMIGHTY GOD and his fellow-man and do wish him many more years of such wonderful and faithful service; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Reverend Isaac B. McDonald.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 168 H.J.R. 204—Venable

HOUSE JOINT RESOLUTION

COMMENDING MRS. HENRIETTA COUNTS UPON HER RETIREMENT AS DIRECTOR OF THE TALLASSEE CITY RECREATION CENTER.

WHEREAS Mrs. Henrietta Counts is retiring after having faithfully and diligently served as Director of the Tallassee City Recreation Center for the past 15 years; and

WHEREAS she has always given generously and tirelessly of her efforts and time to her community; and

WHEREAS the charming Mrs. Counts has contributed much to the recreation programs in Tallassee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mrs. Henrietta Counts and wish her many years of happiness in the retirement which she so richly deserves.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Counts.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 169 H.J.R. 205—Manley, Crowe, McCorquodale

HOUSE JOINT RESOLUTION

COMMENDING THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority is a state agency in Alabama; and

WHEREAS, this outstanding organization is a five-state compact charged with promoting development of the Tennessee-Tombigbee Waterway in Alabama and with coordinating planning for the development of the areas surrounding the waterway; and

WHEREAS, this project will open up a major trade route that will generate commerce from 23 states all channeling through the Alabama State Docks at the Port of Mobile, giving Mobile the potential to become one of the nation's busiest and most outstanding ports, and resulting in millions of dollars that will become state funds; and

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority headquartered in Columbus, Mississippi is the agency responsible for securing funds from Congress to plan and build this great "missing link" on America's inland waterway system; and

WHEREAS, efforts of this organization have already resulted in $100 million worth of construction work being underway in Alabama, employing hundreds of workers at all skill levels; and

WHEREAS, the Authority has succeeded in getting Congress to double the appropriation each year and has gotten a recommendation from the House Appropriations Sub-Committee on Public Works for an additional $101 million to be spent

on the waterway during the fiscal 1976, and enjoys a marvelous working relationship with numerous members of Congress and federal government officials that has resulted in construction of the waterway to this point; and

WHEREAS, the Tennessee-Tombigbee Waterway is nationally recognized as the outstanding project of its kind as a result of the Authority's active and highly effective public relations program and is the largest project of its kind under construction in the United States; and

WHEREAS, this 253-mile-long project has been likened to the Louisiana Purchase and the TVA Act as economic milestones in the nation's history and can become a trade route rivaling the Panama Canal and St. Lawrence Seaway; and

WHEREAS, Governor George C. Wallace serves effectively as the current chairman of this organization and Alabama has six other outstanding citizens including two members of the Alabama Senate, who serve without pay as members of this Authority; and

WHEREAS, Glover Wilkins, administrator, has worked on this project 28 years; and

WHEREAS, the work of this agency has already resulted in millions of dollars and other economic benefits accruing to Alabama and the agency has the knowledge and capabilities to bring even more benefits to this great state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the Tennessee-Tombigbee Waterway Development Authority for its knowledgeable, skillful and effective work in promoting the development of Alabama's vast resources and express our sincere appreciation and gratitude for the efforts of this outstanding organization.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Glover Wilkins, administrator of the Authority.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 170 H.J.R. 210—McClusky

HOUSE JOINT RESOLUTION

CONGRATULATING RICHARD WINGARD'S SYLACAUGA LITTLE LEAGUE ALL-STARS ON WINNING THE STATE CHAMPIONSHIP

WHEREAS the Sylacauga Little League All-Stars recently won the Alabama Little League tournament; and

WHEREAS the brilliant pitching, running and batting of the Sylacauga Little Leaguers insured their much deserved win; and

WHEREAS the Sylacauga Little Leaguers will now journey to St. Petersburg, Florida where they will compete against three other states for the divisional championship; and

WHEREAS this legislature is proud of the determination and competitive spirit of Richard Wingard who has been with the Little League for 16 years; and

WHEREAS the Sylacauga Little League All-Stars deserve much praise and credit for their efforts and dedication; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the Sylacauga Little League All-Stars for winning the State Championship and wish them success in their upcoming competition.

RESOLVED FURTHER, That a copy of this resolution be sent to each of the Little Leaguers and to each of their coaches.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 171 H.J.R. 212—Warren

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. CECIL EUGENE PRICE

WHEREAS Dr. Cecil Eugene Price departed this life on April 29, 1974; and

WHEREAS Dr. Price was a graduate of the University of Alabama Medical School and had been very active in the practice of medicine in Conecuh County for over 20 years; and

WHEREAS Dr. Price always gave unselfishly of his time, talents and energy to his patients and to all civic endeavors within his county and city; and

WHEREAS Dr. Price is greatly missed by his multitude of friends and patients; and

WHEREAS the County Commission of Conecuh County has decreed that August 10, 1975 be designated as Dr. Cecil Eugene Price Memorial Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do join in this memorial tribute to this fine gentleman.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 172 H.J.R. 213—Wyatt, Drake

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF FORMER GOVERNOR JAMES E. (BIG JIM) FOLSOM.

WHEREAS this legislature was saddened to hear of the recent illness of former Governor James E. Folsom; and

WHEREAS James E. Folsom is a fine man who was twice Governor of the State of Alabama; and

WHEREAS Big Jim Folsom was years ahead of his time on the issue of one-man one-vote and Alabama reapportionment; and

WHEREAS he spoke the language of the average citizen both in Alabama and all over this fair nation; and

WHEREAS Big Jim Folsom's programs brought Alabamians a better way of life with the rural farm-to-market road program; and

WHEREAS this legislature hopes that it can contribute even a fraction of the good to the people of Alabama that was contributed by this great American; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we regret the illness of former Governor James E. (Big Jim) Folsom and wish him a speedy recovery and a long and happy life.

RESOLVED FURTHER That a copy of this resolution be sent to former Governor James E. (Big Jim) Folsom.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 173 H.J.R. 223—Killian

HOUSE JOINT RESOLUTION

INVITING THE STAR SPANGLED SINGERS TO APPEAR BEFORE THE LEGISLATURE.

WHEREAS The Star Spangled Singers of Fort Payne in DeKalb County have gained recognition for their performances; and

WHEREAS Their patriotic music is an inspiration for all Americans; and

WHEREAS The Legislature would be honored to have them perform; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would be honored to have the Star Spangled Singers of Fort Payne perform for the Legislature on Thursday, August 14.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 174 H.J.R. 229—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THE SENATE CONCURRING, That when the two Houses adjourn on Tuesday, August 12, 1975 they adjourn to meet again on Thursday, August 14, 1975 and when they adjourn on Thursday, August 14, 1975 they adjourn to meet on Tuesday, August 19, 1975 and when they adjourn on Tuesday, August 19, 1975 they adjourn to meet on Thursday, August 21, 1975 and when they adjourn on Thursday, August 21, 1975 they adjourn to meet on Tuesday, September 2, 1975.

Approved August 15, 1975.

Time: 3:30 P.M.

Act No. 175 H.J.R. 156—Lutz

HOUSE JOINT RESOLUTION

TO PROVIDE FOR THE EMPLOYMENT OF A TECHNICAL CONSULTANT BY THE SUBCOMMITTEE TO

STUDY THE IMPLEMENTATION OF THE NEW JUDICIAL ARTICLE TO THE CONSTITUTION, WHICH WAS ESTABLISHED BY THE JUDICIARY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the subcommittee appointed by the Judiciary Committee of the House particularly to study the bill relative to the implementation of the Judicial Article to the Constitution is hereby authorized to employ a technical consultant to assist such subcommittee in its study of the said bill, the compensation of such consultant shall be fixed by the subcommittee and shall be paid out of funds heretofore appropriated for the expenses of the House of Representatives, provided however that the subcommittee shall not be allowed to expend more than $2,500.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 176 S. 792—Mims

AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated for the fiscal year ending September 30, 1975 the following:

For transfer to the State Board of Corrections:
For Operations and Maintenance 300,000.00

For transfer to the State Board of Corrections:
For Capital Outlay 150,000.00

To the Finance Department Mail and Supply Room:
For Operations 50,000.00

Section 2. There is hereby appropriated to the Revenue Department from the gross proceeds of Motor Vehicle Licenses Collections for the purchase of Motor Vehicle Licenses tags for the fiscal year ending September 30, 1975 150,000.00

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 177 S.J.R. 56—Ellis, Pearson, Gilmore, Vacca, McMillan, St. John, Torbert, Jones, Edwards, Bank, Shelby, Littleton, Foshee, Owen, Fine, Adams, Wilson, Perry, Noonan, Clemon, Stewart

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. MARGARET MACLEOD BEDDOW.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Margaret MacLeod Beddow; and

WHEREAS the eight thousand members of the Lions Club of Alabama, and more than one million Lions over the world mourn the death of the first lady of Lionism in the State of Alabama; and

WHEREAS Mrs. Beddow represented the womanhood of this Great State in travels all over the world with esteem and dignity; and

WHEREAS Margaret Beddow was loved and revered by all who knew her and was head of the T. B. Association for twenty years and was a member of the Independent Presbyterian Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of a great and gracious lady, Margaret MacLeod Beddow, and express our deep and sincere sympathy to her family to whom copies of this Resolution shall be sent.

BE IT FURTHER RESOLVED, That a copy of this Resolution shall also be sent to Lions International.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 178 S.J.R. 59—Bank, Shelby, St. John, Gilmore

SENATE JOINT RESOLUTION

COMMENDING RICHARD THIGPEN

WHEREAS Richard Thigpen is taking over many of the duties of Dr. David Mathews during Mathews leave of absence from the University of Alabama; and

WHEREAS Mr. Thigpen has conscientiously and generously served the University for many years; and

WHEREAS he is a very capable and dedicated young man who is well prepared for the duties which he will assume; and

WHEREAS this legislature is confident and sure that Richard Thigpen will perform his new duties excellently; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Richard Thigpen and wish him continued success.

RESOLVED FURTHER, That a copy of this resolution be sent to Richard Thigpen.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 179 S.J.R. 62—Bank, Shelby, Gilmore

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF HERBERT WARNER.

WHEREAS this legislature has noted with a deep sense of regret the passing of industrialist and philanthropist Herbert David Warner, board chairman emeritus of Gulf State Paper Corp.; and

WHEREAS Mr. Warner, a resident of Tuscaloosa, was very civic minded and received many awards and had many honors bestowed on him during his lifetime. These honors include: Tuscaloosa Citizen of the Year for 1970, an honorary doctor of laws degree from the University of Alabama, the Alton Lambert Award for Scouting and being named a Paul Harris Fellow by the Rotary Foundation of Rotary International and a fellow of the Druid City Hospital Foundation; and

WHEREAS throughout his life he contributed generously and unselfishly to numerous charities and worthwhile organizations; and

WHEREAS Mr. Warner served his community, state and country in many capacities. He was a past president and director of the Tuscaloosa Chamber of Commerce and a former director of the Alabama State Chamber of Commerce; he was National Council representative to the Boy Scouts of America; he was at one time or another a board member of Associated

Industries of Alabama, the Southern States Industrial Council, the United Fund of Tuscaloosa County Inc. and the Tuscaloosa Rotary Club. Mr. Warner served during his life as director of the American Mutual Insurance Co., the Alabama Great Southern Railway, the Tuscaloosa YMCA, the City National Bank of Tuscaloosa and Druid City Hospital; and

WHEREAS Herbert Warner gave not only to his community, state and country, but also to his church. He was a leading member of the First Presbyterian Church having served as an elder and trustee; and

WHEREAS he was respected and admired by all who knew him. His friends and acquaintances will forever remember him for his keen sense of humor, his generosity and his love for people; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made lasting contributions to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Herbert David Warner and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 180 S.J.R. 70—Bank

SENATE JOINT RESOLUTION

COMMENDING THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority is a state agency in Alabama; and

WHEREAS, this outstanding organization is a five-state compact charged with promoting development of the Tennessee-Tombigbee Waterway in Alabama and with coordinating planning for the development of the areas surrounding the waterway; and

WHEREAS, this project will open up a major trade route that will generate commerce from 23 states all channeling through the Alabama State Docks at the Port of Mobile, giving Mobile the potential to become one of the nation's busiest and

most outstanding ports, and resulting in millions of dollars that will become state funds; and

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority headquartered in Columbus, Mississippi is the agency responsible for securing funds from Congress to plan and build this great "missing link" on America's inland waterway system; and

WHEREAS, efforts of this organization have already resulted in $100 million worth of construction work being underway in Alabama, employing hundreds of workers at all skill levels; and

WHEREAS, the Authority has succeeded in getting Congress to double the appropriation each year and has gotten a recommendation from the House Appropriations Sub-Committee on Public Works for an additional $101 million to be spent on the waterway during the fiscal 1976, and enjoys a marvelous working relationship with numerous members of Congress and federal government officials that has resulted in construction of the waterway to this point; and

WHEREAS, the Tennessee-Tombigbee Waterway is nationally recognized as *the* outstanding project of its kind as a result of the Authority's active and highly effective public relations program and is the largest project of its kind under construction in the United States; and

WHEREAS, this 253-mile-long project has been likened to the Louisiana Purchase and the TVA Act as economic milestones in the nation's history and can become a trade route rivaling the Panama Canal and St. Lawrence Seaway; and

WHEREAS, Governor George C. Wallace serves effectively as the current chairman of this organization and Alabama has six other outstanding citizens including two members of the Alabama Senate, who serve without pay as members of this Authority; and

WHEREAS, Glover Wilkins, administrator, has worked on this project 28 years; and

WHEREAS, the work of this agency has already resulted in millions of dollars and other economic benefits accruing to Alabama and the agency has the knowledge and capabilities to bring even more benefits to this great state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the Tennessee-Tombigbee Waterway Development Authority for its knowledgeable, skillful and effective work in promoting the development of Alabama's vast re-

sources and express our sincere appreciation and gratitude for the efforts of this outstanding organization.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. Glover Wilkins, administrator of the Authority.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 181 H.J.R. 214—Edwards

HOUSE JOINT RESOLUTION

COMMENDING MRS. J. J. SAMPLEY.

WHEREAS Mrs. J. J. Sampley of Fort Deposit, Alabama was recently installed as State President of the American Legion Auxiliary; and

WHEREAS the active Mrs. Sampley is a member of the Alabama Board of Directors of the American Cancer Society, the Fort Deposit Housing Authority Board, and the Alabama Tuberculosis Association; and

WHEREAS she serves as Secretary-Treasurer of the Fort Deposit Chamber of Commerce (and has for the past 20 years), as Secretary-Treasurer of the Lowndes County High School Alumni Association and as Secretary to the Joint Legislative Council; and

WHEREAS the talented and versatile Mrs. Sampley was elected Fort Deposit Woman of Achievement and also Woman of the Year by the Chamber of Commerce; and

WHEREAS Mrs. Annie Lou Sampley has given tirelessly to her community, state, and country and deserves much credit and praise; and

WHEREAS this legislature would like to recognize this fine lady who has contributed so much to so many; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mrs. J. J. Sampley and wish her success in her new position as State President of the American Legion Auxiliary.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Sampley.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 182 H.J.R. 215—Baker, Whatley, Smith (M), Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND MARION NEWMAN.

WHEREAS the Reverend Marion Newman, pastor of Phillips Temple AMC church in Phenix City, recently aided in the capture and arrest of two bank robbers; and

WHEREAS this country needs more people like Reverend Newman who are willing to take a risk and get involved; and

WHEREAS Reverend Newman, a former undercover agent with the U.S. Treasury's Alcohol, Tobacco and Firearms Division, was suspicious of a speeding car and therefore courageously pursued it and led officers to the suspects; and

WHEREAS this legislature would like to recognize this fine man who is concerned for and takes an interest in his fellow man; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Reverend Marion Newman.

RESOLVED FURTHER, That a copy of this resolution be sent to Reverend Newman.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 183 H.J.R. 216—Baker, Whatley, Smith (M), Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING *THE PHENIX CITIZEN* FOR WINNING STATE AWARDS IN THE RECENT "BETTER NEWSPAPER CONTEST."

WHEREAS *The Phenix Citizen* has recently received three state awards in the Alabama Press Association (APA) Better Newspaper Contest; and

WHEREAS last weekend at the APA awards banquet, The Citizen was presented with a first place for "Best Sports Pages," a third place for "Best Advertising Idea of Promotion" and an honorable mention for "Best Original Column"; and

WHEREAS this is the second consecutive year The Citizen has received a first place in the sports category and the sixth year that The Citizen has won awards; and

WHEREAS the winners were judged in competition with 75 newspapers and more than 1200 separate entries; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the editors, publishers and the entire staff of this fine newspaper and wish continued success for this paper.

RESOLVED FURTHER, That a copy of this resolution be sent to *The Phenix Citizen* editor Carolyn Dudley, the General Manager — Advertising Director Bill Jorgensen, the sports editor Emily Brand and contributing columnist Harold Coulter.

Approved August 20, 1975.

Time: 2:30 P.M.

Act No. 184 H. 14—Gafford

AN ACT

To amend further Code of Alabama 1940, Title 42, Section 12, as amended, so as to allow a delinquent parolee to receive credit toward fulfillment of the execution of his sentence to imprisonment for the time spent in prison after the date of his arrest as a delinquent parolee.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 42, Section 12, as amended, is hereby further amended to read as follows:

"Section 12. Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his parole, the board at its next meeting shall declare such prisoner to be delinquent and time owed shall date from such delinquency. The warden of each prison shall promptly notify the board of the return of a paroled prisoner charged with violation of his parole. Thereupon, such board shall, as soon as practicable,

hold a parole court at such prison or at such other place as it may determine, and consider the case of such parole violator, who shall be given an opportunity to appear personally or by counsel before such board and produce witnesses and explain the charges made against him. The board shall within a reasonable time act upon such charges, and may, if it sees fit, require such prisoner to serve out in prison the balance of the term for which he was originally sentenced calculated from the date of delinquency or such part thereof as it may determine; however, the delinquent parolee shall be deemed to have begun serving the balance of the time so required on the date of his rearrest as a delinquent parolee."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1975.

Time: 3:00 P.M.

Act No. 185 H. 1157—Barron, Harris

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory, owned by the city and commonly referred to as Lagoon Park, all of which is located in Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city additional territory, owned by said city, lying within the following described boundaries, to-wit:

Begin at the Northwest corner of Section 1, Township 16 North, Range 18 East; thence run South 88° 53′ East along the Northerly line of the said Section 1 a distance of 1277.4 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of the said Section 1; thence South 03° 18′ West a distance of 1,374.35 feet; thence South 89° 11′ East a distance of 1,325.86 feet to a point on the Eastern property line of Lagoon Park; thence continue along the said Eastern property line North 14° 03′ West a distance of 136.47 feet; thence North 74° 25′ East a distance of 240.76 feet to a point on the southwesterly right-of-way line of the Eastern Bypass; thence North 15° 35′ West along the southwesterly right-of-way line of the said Eastern Bypass a distance of 60.0 feet

to a point on the said Southwesterly right-of-way line; thence South 74° 25′ West a distance of 239.16 feet; thence North 14° 03′ West a distance of 169.28 feet; thence North 88° 53′ West a distance of 562.28 feet; thence North 03° 18′ East a distance of 727.75 feet; thence North 17° 52′ West a distance of 302.64 feet; thence North 88° 53′ West a distance of 544.71 feet to the said Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 1; thence North 09° 00′ West a distance of 2,678.92 feet; thence South 88° 18′ East a distance of 357.27 feet; thence South 02° 03′ East a distance of 96.62 feet; thence South 86° 39′ East a distance of 214.39 feet to a point on the southwest right-of-way line of the Eastern Bypass; thence northwesterly along the southwest right-of-way line of the Eastern Bypass, along a curve the chord of which is North 31° 32′ West, a distance of 2,793.53 feet; thence continue northwesterly along the southwest right-of-way line of the Eastern Bypass, along a curve the chord of which is North 49° 02′ West, a distance of 603.74 feet; thence South 89° 55′ West a distance of 2,055.6 feet; thence South 00° 05′ West a distance of 80.8 feet; thence South 89° 55′ West a distance of 127.85 feet; thence South 00° 05′ West a distance of 801.2 feet to a point on the northerly right-of-way line of Gunter Park Drive East; thence South 87° 56′ East a distance of 77.85 feet to the southwesterly corner of an Alabama Power Company substation site; thence North 00° 05′ East a distance of 260.0 feet to the northwesterly corner of the said substation site; thence South 89° 55′ East a distance of 250.0 feet to the northeasterly corner of said substation site; thence South 00° 05′ West a distance of 268.66 feet to a point on the southeastern corner of the said substation site on the northerly right-of-way line of Gunter Park Drive East; thence South 87° 56′ East along the northerly right-of-way line of Gunter Park Drive East a distance of 514.58 feet; thence southeasterly along the northerly and easterly right-of-way line of Gunter Park Drive East, along a curve the chord of which is South 52° 50′ East, a distance of 387.76 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 00° 15′ East a distance of 982.8 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 00° 20′ East a distance of 2,614.40 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, along a curve the chord of which is South 09° 05′ East, a distance of 423.64 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 17° 50′ East a distance of 350.03 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, along a curve the chord of which is South 06° 30′ East, a distance of 427.54 feet; thence continue along the easterly right-of-way line of Gunter Park Drive East, South 04° 48′ West a distance of 440.83 feet to a point (which is the Northwesterly corner of property of Ala-

bama Power Company); thence North 89° 46′ East a distance of 193.38 feet to the northeastern corner of the said Alabama Power Company property; thence South 04° 48′ West a distance of 200.00 feet to the southeastern corner of the said Alabama Power Company property; thence South 89° 46′ West a distance of 200.0 feet to a point on the easterly right-of-way line of Gunter Park Drive East; thence, along a curve the chord of which is South 12° 50′ West, a distance of 83.4 feet to the Southerly boundary line of the Lagoon Park property (which is the south right-of-way line of a proposed road); thence North 89° 46′ East along the Southerly boundary line of the Lagoon Park property a distance of 1,373.20 feet to the western line of said Section 1; thence run along the western line of the said Section 1 North 03° 13′ East a distance of 1,375.07 feet to the Northwest corner of said Section 1, Township 16 North, Range 18 East, the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1975.

Time: 3:00 P.M.

Act No. 186 H. 435—Waggoner, Gafford, Biddle, Drake, Crowe, Trammell, Merrill, Andrews, Falkenburg, Kinsey, Pegues, Hill, Harrison, Jolly, Carter, Folmar, Manley, Morris, Campbell, Callahan, Greeer, Moore (O), White, Hopping, Warren, Quarles, Armstrong, Hilliard, McNair, Leonard, Porter, Sonnier, Sandusky, Howard, Weeks, McMillan, Tucker

AN ACT

To make an appropriation for capital outlay purposes at the University of Alabama in Birmingham for the fiscal year ending September 30, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made to the University of Alabama in Birmingham, there is hereby appropriated from the Alabama Special Education Trust Fund $8,514,213.00 for the purchase of Urban Renewal Lands and improvements thereto for the fiscal year ending September 30, 1975.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1975.

Time: 3:00 P.M.

Act No. 187 S. 305—Pearson, McMillan

AN ACT

To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 106 of Title 8, Code of Alabama 1940, as amended shall be and hereby is amended to read as follows:

"Section 106. If any person kills any horse, mare, colt or other domestic animal while hunting, he is liable to double damages, at the suit of the owner of such animal."

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1975.

Time: 3:00 P.M.

AN ACT

Act No. 188 H. 114—Campbell

Relating to Choctaw County, Alabama; levying a privilege license or exercise tax on certain sellers and distributors of spirituous or vinous liquor; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; authorizing the county commission to levy an additional tax upon such sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the Act by the Probate Judge and the collection, apportionment, and distribution of the proceeds of the Act; prescribing penalties for violations and giving the Act a retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Relating to Choctaw County, Alabama; every person, firm, corporation, copartnership, club or asso-

ciation other than the State Alcoholic Beverage Control Board Stores, who sells or distributes spiritous or vinous liquors shall pay a privilege or excise tax of ten percent on the wholesale price of each bottle or other container thereof.

(b) Every person, firm, copartnership, corporation, club, association, agency, distributor, storer or user or any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one half of one percent or more of alcohol by volume) shall pay a privilege license or excise tax upon the sale, use or consumption, distributing, storing or withdrawing from storage in said county of any malt or brewed beverages as herein defined. Such tax shall be in an amount equal to two cents on each twelve fluid ounces, or fractional part thereof, and one-sixth cent for each ounce in excess of twelve ounces in a container, of malt or brewed beverages sold, used, consumed, distributed, stored or withdrawn from storage in said county, which tax shall be in addition to any and all other taxes heretofore or hereafter levied on such beverages. Provided, the County Commission of Choctaw County if it deems it advisable, may levy an additional tax not to exceed two cents on each twelve fluid ounces or fractional part thereof and one-sixth cent for each ounce in excess of twelve ounces in a container on malt or brewed beverages sold, used, consumed, distributed, stored, or withdrawn from storage. Where the amount of tax levied under the provisions of this Act shall have been paid to the county or to any municipality therein by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once. Provided, however, that nothing in this Act shall be construed to prohibit any municipality from levying a municipal tax in addition to the one herein provided for.

Section 2. The privilege or license tax authorized herein shall be collected by or under the supervision and control of the Probate Judge of Choctaw County who shall be solely responsible for the administration of this Act. Said Probate Judge shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied and may provide devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax and provide proper forms requiring sufficient information and proof to be verified by the oath of any seller, distributor, dealer, storer, or other user claiming exemptions from payment of the tax on account of purchases made from others who have paid the tax imposed by this Act. As his compensation for the performance of his duties in administering this Act the Probate Judge shall be entitled to two and one-half percent (2½%) of all taxes collected under the provisions of this Act. The Probate

Judge is authorized to employ such additional personnel for the Sheriff's department to assist in the administration and enforcement of this Act as he deems necessary and desirable at a cost not to exceed ten percent (10%) of the proceeds of the tax per annum.

Section 3. (a) Each and every seller of spiritous or vinous liquors shall on or before the fifteenth day of the first full calendar month after the effective date of this Act, and on or before the fifteenth day of each calendar month thereafter, file with the Probate Judge, a written statement, sworn to and subscribed by such seller, showing the name and address of such seller, each and every purchase, receipt or procurement of spiritous or vinous liquors made by such seller during the calendar month next preceeding, together with the brand or brands of such spiritous or vinous liquors, the quantity of each brand, the wholesale price, the size of the container of each brand, the date or dates on which purchased, together with the quantity of each brand of such spiritous or vinous liquors sold, distributed, or delivered.

(b) Each and every distributor or seller of malt or brewed beverages shall on or before the 15th day of the first full calendar month after the effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the Probate Judge a written statement, sworn to and subscribed by such distributor or seller, showing the name and address of each distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceeding, together with the name and address of the producer, distributor, seller or other person from whom purchases, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of container of each brand of such malt or brewed beverages received or procured, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

(c) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

Section 4. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of spiritous or vinous

liquors or malt or brewed beverages within the county without first having obtained a permit to do so from the Probate Judge and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or any other part of this Act, shall authorize any sale, distribution or delivery of spiritous or vinous liquors or of any malt or brewed beverages within said county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 5. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of license tax to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the Probate Judge thirty days notice in writing of his intent to destroy or dispose of such records. The Probate Judge or his duly authorized agent is authorized to inspect such records and to make copies of such parts of same as may be deemed advisable or proper. The failure to keep such records or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

(b) Upon demand by the Probate Judge or his authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the license tax imposed by this Act to furnish without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business all books of account, invoice, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined including herein the exhibition of bank deposit books and bank statements. Any person failing to or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law,

(c) Should any person subject to the provisions of this Act not keep and have in his possession or control correct and detailed books of account, invoice, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the license tax due and the required information as to sales in the several tax recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for

inspection and examination as herein required, then and in that event it shall be the duty of the Probate Judge of ascertain from such information and data as may reasonably be obtained the correct amount of license tax due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipts of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay to pay shall constitute a separate offense.

(d) The tax shall be paid by each distributor or seller when he makes his report as required in Section 3 or when he buys his decals or other devices from the Probate Judge, if the Probate Judge requires the distributor or seller to buy decals or other devices.

Section 6. (a) It shall be the duty of the Probate Judge to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in compliance with the provisions of this Act, and to furnish the same to such distributors or sellers as they may be required.

(b) It shall be the duty of the Probate Judge to enforce the provisions of this Act, and to that end he is authorized to enter lawfully any premises of any retailer of spiritous or vinous liquors or of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving spiritous or vinous liquors or malt or brewed beverages, and to inspect the containers of spiritous or vinous liquors or malt or brewed beverages, in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this Act. It shall be lawful also for any police officer or deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages or spiritous or vinous liquors.

Section 7. (a) Collection of the tax may be accomplished in this fashion:

The Probate Judge by requisition to and upon the governing body of Choctaw County, may procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that evidences the payment of the tax levied by this Act, and may procure such forms and other printed matter and material as may be necessary in the administration of this Act. To reimburse Choctaw County for the cost and expense incurred by it in securing and furnishing

the said decals or other devices, and forms and other matter furnished by the county commission. There shall be deducted from the gross amount of tax collected, at each tax distribution period, the cost and expense incurred by the county in procuring and furnishing the decals or other devices contemplated by this Act and the cost of form or other materials hereinbefore provided for, and shall pay over the amount so deducted to the county. Decals or other devices may be furnished by the Probate Judge to each seller or distributor of spiritous or vinous liquors and malt or brewed beverages, upon his request therefor and payment of the amount of tax corresponding to the stated value of the decals or other devices that he procures less a ten percent discount; provided, however, that the Probate Judge may, in his discretion, require that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of spiritous or vinous liquors or malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered.

(b) The amount distributed by the Probate Judge to the several recipients of the proceeds of the tax as provided in this Act, shall be, as to each recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the cost of collection and expenses of administration of this Act.

Section 8. After the payment of all costs of collection and enforcement of the tax levied herein, or hereafter levied by the Choctaw County Commission under the terms of this Act, the net proceeds shall be prorated and distributed monthly by the Probate Judge to the county and municipalities therein on the basis of their respective populations according to the most recent Federal Decennial Census, or the most recent count by the Bureau of the Census.

The Probate Judge shall determine the distribution formula after each Federal Decennial Census and the new formula shall go into effect on the first day of January of the year next succeeding the year in which the federal government publishes the decennial figures, or on the first day of the second month succeeding the month the most recent count by the Bureau of the Census is filed with the Probate Judge.

Before any funds collected after October 30, 1973, and thereafter are distributed to the county and municipalities under Section 8 of this Act and after all costs of collection and enforcement of the tax levied herein have been paid, the Probate Judge shall distribute forty thousand dollars ($40,000) to the Choctaw County Commission and the Commission shall appropriate that amount to the Choctaw County Board of Education.

After October 1, 1975, and annually thereafter, the Probate Judge shall, before any funds collected under this Act are distributed to the county and municipalities and after costs of collection and enforcement have been paid, distribute twenty thousand dollars, ($20,000) from the taxes collected under this Act, to the Choctaw County Commission and the Commission shall appropriate that amount to the Choctaw County Board of Education.

After the payment of all costs of collection and enforcement of the tax levied herein the proceeds of all taxes collected on an annual basis due from October 1 through September 30 of the following year in excess of $90,000.00, shall be distributed by the Probate Judge as follows: 20% to the Choctaw County Board of Education and the remainder to the County and Municipalities therein on the basis of their respective populations as set out hereinabove.

The Probate Judge may elect to distribute the taxes collected hereinafter on a quarterly basis.

Section 9. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the Probate Judge of Choctaw County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 10. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed in the rules and regulations set out by the Probate Judge shall pay, in addition to the tax, a penalty of ten percent of the amount of tax, together with interest therein at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 11. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. The operation of this Act shall be retroactive to July 14, 1973, and all taxes paid pursuant hereto are ratified and confirmed.

This Act became a law under Section 125 of the Constitution without approval by the Governor.

Act No. 189 H.J.R. 231—Cooper

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH DOTCH

WHEREAS Joseph Dotch contributed immeasurably to the enrichment of our social, cultural, and economic lives. He was a diligent and devoted member of the Truevine Baptist Church; and

WHEREAS Mr. Dotch served faithfully as a Deacon, Chairman of the Trustee Board, and Chairman of the Board of Deacons; and

WHEREAS Joseph Dotch was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS Mr. Dotch served as president of the Trinity Gardens PTA, served as Democratic Committeeman, and operated a successful business; and

WHEREAS Joseph Dotch was married to Miss Mollie Powell, to which union fourteen children were born; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Joseph Dotch and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Approved August 27, 1975.

Time: 4:00 P.M.

Act No. 190 H.J.R. 232—Cooper

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. MINNIE BISHOP UPON RETIREMENT.

WHEREAS Mrs. Minnie Bishop has been employed by the State of Alabama for thirty-two years; and

WHEREAS Mrs. Bishop has headed the library at S. D. Bishop State Junior College since its beginning; and

WHEREAS Minnie Bishop began as a teacher and librarian in Richmond County Schools in North Carolina and served as

librarian at Alabama State University and later at Mobile Center, the forerunner of Mobile State Junior College, now Bishop State; and

WHEREAS Mrs. Bishop is a member of the Alabama library Association, Alabama Junior College Library Association, Council on Black American Affairs and the American Library Association; and

WHEREAS Minnie Bishop is a member of the Order of Eastern Star, League of Women Voters and is listed in Who's Who in Library Service and Who's Who of American Women; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does congratulate Mrs. Minnie Bishop upon her retirement and does commend her for her services and activities over the years.

BE IT RESOLVED FURTHER, That this Legislature does wish for her a long and continued life of happiness in her retirement.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Minnie Bishop.

Approved August 27, 1975.

Time: 4:00 P.M.

Act No. 191 H. 614—Waggoner

AN ACT

To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the State General Fund the amount of $16,386.02 for transfer to the Alabama Travel Council.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 2, 1975.

Time: 4:10 P.M.

Act No. 192 S. 783—Stewart

AN ACT

To provide that bonds, notes and other securities issued by certain public hospital corporations shall be exempt from laws governing usury or prescribing or limiting interest rates.

Section 1. DEFINITIONS. The term "The State" where used in this Act, means the State of Alabama. The term "The State" where used in this Act, means the State of Alabama. The term "Public Hospital Corporation" where used in this Act means any public corporation heretofore, or hereafter, organized pursuant to the provisions of any of the following statutes as heretofore or hereafter amended: Act 211, adopted at the 1945 Regular Session of the Legislature of Alabama; Act No. 46 adopted at the 1949 Regular Session of the Alabama Legislature; Act No. 63, adopted at the 1957 Regular Session of the Legislature.

Section 2. EXEMPTION FROM USURY LAWS. Bonds, notes and other securities issued by any public hospital corporation are hereby exempted from all laws of the state governing usury or prescribing or limiting interest rates, including, without limitation to, the provisions of Chapter 6 of Title 9 of the Code of Alabama, 1940, as amended.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 4, 1975.

Time: 3:30 P.M.

Act No. 193 H. 1551—Merrill, Crowe

AN ACT

To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1975.

Be It Enacted by the Legislature of Alabama:

Seection 1. There is hereby appropriated, in addition to all other appropriations heretofore made, the amount of five hundred thousand dollars ($500,000.00) for salaries and expenses of the Legislature for the fiscal year ending September 30, 1975.

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 4, 1975.

Time: 3:30 P.M.

Act No. 194 S. 868—Bank, Owen, Gilmore, Shelby, St. John, Fine, Ellis, Waldrop

AN ACT

To rename the football stadium on the University of Alabama campus the Bryant-Denny Stadium; and

WHEREAS Paul "Bear" Bryant is the winningest active college football coach in America; and

WHEREAS his coaching record is 242-71-16 and at the University of Alabama is 151-32-7; and

WHEREAS Coach Bryant has taken the Crimson Tide to 16 consecutive bowl games; and

WHEREAS Coach Bryant has been named national Coach of the Year three times and SEC Coach of the Year five times; and

WHEREAS Paul "Bear" Bryant was named Coach of the Decade for the 1960's by the NCAA and was named SEC Coach of the Century; and

WHEREAS as Athletic Director, Coach Bryant has seen Denny Stadium double its capacity to 59,000; and has seen the construction of Memorial Coliseum, a new track stadium, and a new tennis stadium; and

WHEREAS Paul "Bear" Bryant has devoted his time, efforts, loyalty, and financial support to his alma mater, the University of Alabama; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The football stadium on the University of Alabama campus is hereby designated the Bryant-Denny Stadium.

Section 2. The University of Alabama Board of Trustees is hereby directed to erect appropriate markers displaying the name hereby established.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 4, 1975.

Time: 4:00 P.M.

Act No. 195 S. 304—Pearson and Clemon

AN ACT

To amend Title 8, Section 93 (3), Code of Alabama 1940, as amended, so as to remove the prohibition against using salt licks for the purpose of capturing or killing birds or animals in the State of Alabama; to legalize the use of scaffolds for the killing of deer.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 8, Section 93(3), Code of Alabama 1940, as amended, shall be and hereby is amended to read as follows:

Section 93 (3). No person shall, at any time, make use of any pitfall, deadfall, baited field, cage trap, net, pen, baited hook, snare, poison, explosive or chemical for the purpose of injuring, capturing or killing birds or animals protected by law or regulation of this State. Provided, however, that nothing herein contained shall prevent the trapping of animals classified as fur-bearing animals by a duly licensed fur catcher. *It shall be legal to use scaffolds for gun deer hunting only and to use scaffolds for bow hunting of all legal game species."*

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 196 H.J.R. 267—Reed

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM REID PERRY

WHEREAS the Alabama Legislature has noted with a

sense of deep regret the passing of William Reid Perry, father of our distinguished colleague Senator T. Dudley Perry; and

WHEREAS, William Reid Perry reflected the uncommon endowments of foresight, perserverence, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS, William Reid Perry was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and county; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of William Reid "Dub" Perry and express our deep and sincere sympathy to his widow, Mrs. Katie Rose Dudley Perry, and his family to whom copies of this resolution shall be sent.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 197 H. 439—Mitchem, Brindley, Kelley

AN ACT

Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county, and giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Marshall County is hereby authorized to determine, at its discretion, the rate of salary payable to its county superintendent of education. Any change in the rate of salary shall have retroactive effect beginning July 1, 1975, and thereafter upon the expiration of the term of office of successors to the superintendent of education of Marshall County. The board of education shall not reduce the compensation of the county superintendent during his term of office. Any salary increases shall be payable from the county public school funds in equal monthly installments.

Section 2. In the event that the teachers of Marshall County receive any salary increase, the superintendent of edu-

cation of said county shall receive a monthly salary increase in the same dollar amount as the increase provided for teachers holding the highest ranking certificates or to the certificate to which teachers who hold a master's degree, whichever is greater. Said monthly increases shall be payable out of the public school funds of the county.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provision of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 198 H. 769—Albright

AN ACT

To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a Board of Trustees for Alabama Agricultural and Mechanical University, a state land-grant educational institution at Huntsville. The Board of Trustees shall consist of eleven members, two which shall reside in the congressional district in which the institution is situated; one member shall reside in each of the remaining congressional districts in the state at the time this Act becomes effective; three members shall be selected from the state-at-large, who shall reside in different districts; and the Governor, who shall be ex-officio president of the board. The trustees shall be appointed by the Governor, by and with the advice and consent of the Senate. The membership shall include at least three graduates of Alabama Agricultural and Mechanical University. Except for the first trustees appointed, trustees

shall hold office for a term of six years. All appointments shall be effective upon confirmation by the Senate. The Board shall be divided into three classes so that one-third shall be appointed biennially. Of the first members appointed to the Board, three shall be designated by the Governor to serve until January 31, 1978; four until January 31, 1980; and four to serve until January 31, 1982. A trustee may be appointed to serve a second term of six years but no trustee shall be appointed to serve more than a total of twelve years. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of duties as such. No member of the governing board or employee of any public postsecondary educational institution, no person who has attained the seventy-first birthday prior to appointment, no elected or appointed official, and no employee of the State of Alabama having the power of review of the Alabama Agricultural and Mechanical University budget, other than the Governor, shall be eligible to serve on the Board of Trustees. No member shall serve past September 30 after reaching his seventy-first birthday.

Section 2. The Governor, by virtue of his office, and the trustees appointed from the several congressional districts of the state, pursuant to Section 1 of this Act, and their successors in office, are constituted a body corporated under the name of "Board of Trustees for Alabama Agricultural and Mechanical University."

Section 3. Such corporation shall have all the rights, privileges and franchises necessary to a promotion of the ends of its creation, and shall be charged with all corresponding duties, liabilities and responsibilities. Such corporation may hold, and may lease, sell or in any other manner not inconsistent with the object or terms of the grant or grants under which it holds, dispose of any property, real or personal, or any estate or interest therein, remaining of any grant by any governmental unit or by any person, accruing to the corporation from any source, as it may deem best for the purposes of the university.

Section 4. The Board of Trustees has the power to organize the university by appointing a president, whose salary shall be fixed by the Board, and by employing a corps of instructors, who shall be nominated to the board in writing by the president and who shall be styled the faculty of the university, and such other instructors and officers as the interests of the university may require; and to remove any such instructors or other officers, and to fix their salaries or compensation and increase or reduce the same at their discretion; to regulate, alter or modify the government of the university, as they may deem advisable; to prescribe courses of instruction, rates of tuition, and fees; to confer such academic and honorary degrees as are usually conferred by institutions of similar character;

and to do whatever else they may deem best for promoting the interest of the university.

Section 5. Any vacancy in the office of trusteees shall be filled by appointment of the Governor. Such appointment to be effective upon confirmation by the Senate. A trustee appointed to fill a vacancy by the Governor, by and with the consent of the Senate, shall hold office during the unexpired term.

Section 6. The Board of Trustees of Alabama Agricultural and Mechanical University shall hold regular meeting in June and October of each year. The regular annual meeting shall be held at the University on the fourth Thursday in October, unless the Board shall, in regular session, determine to hold its meeting at some other time and place. Special meetings of the Board may be assembled by either one of the two methods outlined as follows: (A) Special meetings of the Board may be called by the Governor. In calling such special meetings the Governor shall mail a written notice to each trustee naming the time and place thereof, at least ten days in advance of the date of such meeting. (B) Upon the application in writing of any four members of the board, the Governor shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the Board. Such meeting shall not be held on a date less than ten days subsequent to the notices from the Governor.

Section 7. Eight members, exclusive of the Governor, of the Board of Trustees shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present.

Section 8. The certificate of the President of the Board, or in his absence, of the President Pro Tempore, countersigned by the secretary, shall entitle the several trustees to the payment of their actual expenses incurred in the discharge of their duties as such trustees, in conforming with regulations governing travel expenses of state officials.

Section 9. It is the intention of the Legislature by passage of this Act that Alabama Agricultural and Mechanical University shall enjoy no less and no more autonomy than any other public university in the State of Alabama and shall offer to all citizens of the state an equal opportunity for quality education. The Board of Trustees is hereby authorized to recommend, at such time as they deem necessary and proper, any program of instruction or service of any other action necessary to qualify the university for funds and/or services provided by any individual, philanthropic organization or agency of the federal government, to any state agency that is charged with the responsibility for state-wide planning, coordination, or budgeting for programs of instruction, research or public service in

the public universities of the state. Such state agency shall accept or reject such recommendation and is hereby authorized to act in accordance with such recommendations in regard to Alabama Agricultural and Mechanical University.

Section 10. The personnel policies and procedures and statement of academic freedom and tenure for the faculty, other officers, and professional and operating staff of the university; and the statement of rights and responsibilities of students of the University in force at the time of passage of this Act, shall be read, construed and have effect as if they were prescribed by the Board of Trustees herein created; provided, however, that the Board shall prescribe such amendments as they deem necessary and proper and that no person shall be deprived of any right or benefit earned prior to passage of this Act.

Section 11. It shall be unlawful for any member of the Board to derive financial benefit in any form from a contract or transaction affecting the interest of the University; to procure, or to be a party in any way, to procuring the appointment of any relative to any position or financial trust or profit; or to influence the appointment, nor reappointment, retention, dismissal or compensation of any employee of the University except through the prescribed procedures for such purposes. The violation of this provision shall subject the member so offending removal by the Governor or the Board.

Section 12. No grant or gift, by will or otherwise, shall fail on account of any misnomer of informality, when the intent of the grantor or donor can be arrived at; nor shall any default, malfeasance, or nonuser, on the part of the trustees, or other officers or agents of such corporation, work a forfeiture of any of its rights, privileges, powers, or franchises.

Section 13. It shall be the duty of the Board of Trustees to make or cause to be made to the Legislature, at each session thereof, a full report of their transactions, and of the condition of the University, embracing an itemized account of all receipts and disbursements of the University by those charged with the administration of its finance.

Section 14. (A) The President of Alabama Agricultural and Mechanical University, with the approval of the Board of Trustees, is hereby authorized to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trepass upon and damage to the property and grounds of the University. Such persons shall be charged with all the duties and vested with all the powers of police officers and may eject trespassers from the University buildings and grounds, and may, without warrant, arrest any person guilty of disorderly conduct or of trepass upon the property of the University,

or for any public offense committed in their presence, and carry them before the nearest court or any other officer charged with the trial of such offenders, before whom, upon proper affidavit charging the offense, any person so arrested may be tried and convicted as in cases of persons brought before him on his warrant, and may, with a warrant arrest any person found upon or near the premises of the University charged with any public offense and take them before the proper officer.

(B) The police officers provided for in this section shall cooperate with, and when requested, furnish assistance to the regularly constituted authorities of the City of Huntsville and their jurisdiction and authority shall be coextensive with the corporate limits of the municipality.

Section 15. After the effective date of this Act, the Board of Trustees created by this Act for Alabama Agricultural and Mechanical University shall have exclusive jurisdiction, power and authority with regard to the supervision, management and control of Alabama Agricultural and Mechanical University; and the State Board of Education is thereafter divested of all jurisdiction, power and authority with regard to the supervision, management, and control of such University except as otherwise herein provided. In addition to the powers, duties herein above vested in the Board of Trustees, such board shall have and exercise all power, authority and duties heretofore conferred on, vested in or required of the State Board of Education under any laws of this state with regard to the supervision, management, and control of such University except as otherwise herein provided. Upon the effective date of this Act, the State Board of Education shall transfer to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 18. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 199 H. 903—Robertson, Shelton

AN ACT

To amend Sections 1 and 8 of Act No. 999, H. 288 Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475, (37 - 56), as last amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to revise eligibility requirements and retirement benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 8 of Act No. 999, H. 288, Regular Session 1969, (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475 (37-56), amended, is hereby further amended to read as follows:

"Section 1. Definitions. The following words and phrases wherever used in this Act, shall have the following respective meanings, unless the context clearly indicates a different meaning:

" 'Association' means the Alabama Peace Officers Association as now or hereafter constituted.

" 'Board' means the Board of Commissioners of the Fund, and any successors thereto.

" 'Executive Director' means the executive director of the board.

" 'Fund' means the Alabama Peace Officers' Annuity & Benefit Fund created herein.

" 'Member' means any peace officer who is a member of the fund and who is in good standing by virtue of having paid all sums herein required to be paid by him.

" 'Membership Service' means the period of employment of a member as a peace officer from the date he becomes a member.

" Month' means a period of thirty days.

" 'Year' means a period of 365 days; except the last year of employment as a peace officer, when over six (6) months shall constitute a year toward service retirement.

" 'Order' means the Fraternal Order of Police.

" 'Peace Officer' means a person duly sworn as a peace officer of the State of Alabama possessing powers of arrest, employed by the state, any political subdivision thereof, or any municipal corporation therein, who is required by the terms of his employment, whether such employment exists by virtue of election or appointment, to give his full time to the preservation of public order and the protection of life or property, or the

detection of crime in the state, and shall include enforcement officers for conservation laws and full time coroners, but shall not include any pardon, parole or probation officer, district attorney, assistant district attorney, assistant attorney general, or any municipal inspector, county inspector or state inspector.

" 'Prior Service' means the period of employment of a member as a peace officer from the time of his initial employment as such peace officer to September 12, 1969.

" 'Qualified Service' means the prior service plus membership service of a member.

" 'State' means the State of Alabama.

"Section 8, Eligibility of Members of the Fund; Monthly Charge. Nothing herein shall be construed as requiring that any member of the fund become a member of the association or the order, or that any member of the association or the order become a member of the fund. Each peace officer who becomes a member shall pay to the fund a regular fee of Ten Dollars ($10.00) per calendar month, to be paid on or before the tenth calendar day of each month so long as he is a Member or until he becomes entitled to benefits hereunder. If an applicant desires credit for prior years service, then at the time of application, the member shall pay an amount equal to Ten Dollar ($10.00) multiplied by the number of months intervening between October 1, 1969 (the date the Fund was established) and the date of the member's application. These months from October, 1969 to the date of the application will not be counted as Membership Service toward total years service on retirement. Prior Service will count and retirement benefits will be based on Prior Service and Membership Service from the date of the application. Any Peace Officer must contribute to the Fund at the rate of Ten Dollars ($10.00) per month for a period of at least three (3) years from date of application for membership before retirement benefits can be paid. If he does not desire to receive credit for Prior Service, he may enroll as a New member. If a Peace Officer was not employed as such on October 1, 1969, he may, at the time of the initial application, pay an amount equal to Ten Dollars ($10.00) multiplied by the number of months intervening between date of employment and the time at which his application is made if he desires to receive credit for these months as Membership Service. If he does not desire to receive credit for these months as Membership Service, he may enroll as a new member without making this initial payment. The board shall furnish to any peace officer requesting the same an application for membership in the fund. If any member shall not pay the monthly fee for sixty (60) days after its due date, the board shall give him notice of termination of his membership in the fund and of his

right to a refund and unless he makes application for a refund pursuant to Section 14 hereof within sixty (60) days after the mailing of such notice, all amounts heretofore paid by him to the Fund shall be returned to him in accordance with Section 14. Any member so terminated who later applied for membership in the fund shall lose credit for all of his qualified service up to the time of such termination, and upon approval of his new application will become a new member in the fund.

Section 2. All laws or parts of laws in conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 200 H.J.R. 235—Dial

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. MARLIN G. SATTERFIELD

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Marlin G. Satterfield; and

WHEREAS Mr. Satterfield was a native of Goldville and lived much of his life in Lineville; and

WHEREAS Marlin G. Satterfield served as principal of Wadley College at Daviston, twice as principal of Lineville High and served two terms as Clay County Superintendents of Education; and

WHEREAS Mr. Satterfield initiated the creditation program that saw both Lineville and Ashland High Schools admitted to the Southern Association of Accredited Schools; and

WHEREAS Marlin Satterfield was a leader in the Lineville Baptist Church and in many civic organizations serving as President of the Lineville Chamber of Commerce for several years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Marlin G. Satterfield and express our deep

and sincere sympathy to his family to whom a copy of this resolution shall be sent.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 201 H.J.R. 236—Higginbotham

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LEWIS COOPER, JR.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Lewis Cooper, Jr. mayor of Opelika for the past six years; and

WHEREAS Mr. Cooper has been a leader in the community's civic and business life for nearly twenty years, having served as a member of the Housing Authority for eleven years before being elected to the city commission in 1968 and serving as President of the Commission or Mayor since 1969; and

WHEREAS Lewis Cooper was executive vice-president and general manager of the Opelika Coca Cola Bottling Company; and

WHEREAS Mr. Cooper was chairman of the board of the Alabama Municipal Electric Association, and was also a member of the Executive Committee of the Alabama Soft Drink Bottlers Association; and

WHEREAS Lewis Cooper used his leadership to plan and construct the Opelika Public Library and Arts Center; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Lewis Cooper, Jr. and express our deep and sincere sympathy to his family to whom a copy of this Resolution shall be sent.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 202 H.J.R. 238—Johnstone

HOUSE JOINT RESOLUTION

HONORING NELLIE IRENE JONES JAYNE UPON HER SIXTY-SIXTH BIRTHDAY

WHEREAS, Nellie Irene Jones Jayne attained her sixty-sixth birthday on August 15, 1975, and

WHEREAS, This is a fitting occasion on which to recognize and to honor the manifold services and achievements of this great Alabamian, and

WHEREAS, Nellie Irene Jones Jayne married the distinguished Francis Saint John Jayne and reared three beautiful, brilliant and charming daughters, Beverly, Sibley and Mary, and

WHEREAS, Nellie Irene Jones Jayne attended the Daphne Normal School and Florence State Teachers College and graduated from Livingston State College, and

WHEREAS, She has served for thirty-three years as a teacher in the public schools of our State, including Dauphin Island School, Theodore School, Gorgas School, and Kate Shepherd School, and

WHEREAS, She won the Mary England P.T.A. Award for outstanding leadership in church, school and community, and

WHEREAS, She has taught Sunday school in Baptist churches for decades, all to the greater glory of God and the betterment of the morals of her community, and

WHEREAS, She served four terms as a representative to the Mobile County Education Association from Kate Shepherd School, and

WHEREAS, She represented the Mobile County public schools on the Legislative Committee of the Alabama Education Association, and

WHEREAS, She has served as a co-operating teacher for the University of South Alabama since 1964, and

WHEREAS, She was nominated to Outstanding Teachers of America in 1970, and

WHEREAS, She has held many offices in the Beta Tau chapter of the Delta Kappa Gamma Honorary Society and has well and truly discharged her duties with honor, inspiration, and distinction, and

WHEREAS, She has selflessly devoted her life to her family, her community, and her state, with signal benefits accruing to all, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that they commend and honor Nellie Irene Jones Jayne on her magnificent record of service and accomplishment, they revere her for her

exemplary character, and they wish her many happy returns of her birthday.

BE IT FURTHER RESOLVED that the Clerk of the House deliver a copy of this Resolution to Nellie Irene Jones Jayne as a token of the admiration for her shared by the members of this body and the people of Alabama.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 203 H.J.R. 242—Plaster

HOUSE JOINT RESOLUTION

COMMENDING PRATTVILLE SENIOR BABE RUTH TEAM

WHEREAS the Prattville Senior Babe Ruth Team won the Southeast Section Tournament recently played in Hartselle, Alabama by eliminating the best Babe Ruth teams in the States of Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Georgia as well as Florida; and

WHEREAS the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS coaches Otis Shedd and Kenny Franklin, as well as, manager Bill Freeman are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and the will to win which is necessary for a winning team; and

WHEREAS, from a nationwide total of 14,000 teams consisting of 340,000 Babe Ruth players, due to their winning record the Prattville Senior Babe Ruth team will be one of the nine top teams participating in the Tournament of Champions in Seattle, Washington; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the coaches, the manager, and players Scotty Banks, Mike Cowling, James Shedd, Jerry Sutherland, Hal Davis, Kim Evans, Mark Lee, Steve Gamble, Lee Courson, Al Davis, Scott Winne, Danny Nutt, Steve Montgomery, Ricky Franklin, Larry Hill, Donnie Givens, and Daron Fulmer for winning the Southeast Section Title and representing the State of Alabama in the Tournament of Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the coaches, the manager, and to each team member.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 204 H.J.R. 243—Roberts, Lutz, Albright, Moore (W), Gregg, Smith (B), Riddick

HOUSE JOINT RESOLUTION
MOURNING THE DEATH OF MRS. MARTHA WHIT BURLESON SMITH

WHEREAS the Alabama Senate has noted with a sense of deep regret the passing of Martha Whit Burleson Smith; and

WHEREAS Mrs. Smith was born in Morgan County and has spent most of her adult life in Madison County; and

WHEREAS Martha Whit Burleson Smith was the first All-American cheerleader at the University of Alabama; and

WHEREAS Mrs. Smith was the first woman elected to the University of Alabama "A" Club; and

WHEREAS Mrs. Smith organized the office of the board of Registrars in Madison County and served as its chairman for many years; and

WHEREAS Martha Whit Burleson Smith was involved in many civic projects and organized the Madison County Christmas Charity Association; and

WHEREAS Mrs. Smith devoted many years of her life to public service to her community and the state, and served for eight years as voting consultant for the State of Alabama; and

WHEREAS Mrs. Smith was named to Who's Who in the South and Southeast, Who's Who in Commerce and Industry and Who's Who in the World; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we mourn the death of Martha Whit Burleson Smith and express our deep and sincere sympathy to her family to whom a copy of this resolution shall be sent.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 205 H.J.R. 245—Crowe

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF EZEKIAL PINKARD

WHEREAS the Alabama Legislature has noted with a sense of deep regret the death of Ezekial Pinkard of Montgomery; and

WHEREAS Ezekial Pinkard who was 17 years old drowned August 10 while attending a function held for the Alabama representatives to the Special Olympics; and

WHEREAS Ezekial won a gold medal in the fifty yard dash and a silver medal in the 440 yard dash and in the 440 relay the fourth annual Special Olympics held in the Central Michigan University Campus; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Ezekial Pinkard and express our deep and sincere sympathy to his family.

BE IT RESOLVED FURTHER, That a copy of this resolution shall be sent to the Pinkard Family.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 206 H.J.R. 264—Ford

HOUSE JOINT RESOLUTION

COMMENDING MISS JACQUELYN ELAINE MASSEY UPON BEING CHOSEN "WORLD'S LITTLE LOVELY LADY FOR 1975."

WHEREAS, Miss Jacquelyn Elaine Massey, who is the ten year old daughter of Mr. and Mrs. Newell Massey of Gadsden, Alabama, recently was chosen "World's Little Lovely Lady for 1975," which was held at Harding College in Searcy, Arkansas; and

WHEREAS, Miss Massey attends public school in the City of Gadsden; and

WHEREAS, Miss Massey's participation in this pageant brought pride to the State of Alabama; and

BE IT RESOLVED BY THE ALABAMA LEGISLATURE BOTH HOUSES THEREOF CONCURRING, That Miss Jacque-

lyn Elaine Massey is congratulated and commended upon winning the "1975 World's Little Lovely Lady Pageant" and we do wish for her every success in her further endeavors.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this Resolution to Miss Massey and to her parents, Mr. and Mrs. Newell Massey.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 207 H.J.R. 277—Gafford, Biddle, and the Entire Membership of the House of Representatives

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES HUBERT KILGORE

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of James Hubert Kilgore of Irondale; and

WHEREAS James Hubert Kilgore was a devoted community builder who served his people with great love and dedication; and

WHEREAS James Hubert Kilgore was elected to the Irondale City Council in 1948 and became mayor in 1952 where he served with outstanding ability until 1967; he was elected to the Alabama House of Representatives in 1966; in 1964 and 1968 he served as a delegate to the Democratic National Convention; and

WHEREAS James Hubert Kilgore worked for 31 years at American Cast Iron and Pipe Company; during that time he was a member of the American League of Municipalities; he served as an elective committee member of the Jefferson County Mayors Association from 1961 to 1964; and

WHEREAS James Hubert Kilgore was on the staff of Positive Maturity, where he helped organize senior citizen recreation centers, assisted in obtaining recreation equipment and supervised the maintenance of buses; he deeply appreciated the needs of senior citizens and strived to serve them in kind and generous manner; and

WHEREAS James Hubert Kilgore was an amateur baseball player and a great and avid hunter, fisherman, and sportsman; and

WHEREAS James Hubert Kilgore reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS James Hubert Kilgore was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS James Hubert Kilgore exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS James Hubert Kilgore is survived by his wife, Mrs. Myrtle Kilgore, by two daughters, Mrs. John Ebell of Jacksonville, Florida, and Mrs. James O. Conway of Birmingham and by his son, Fred L. Kilgore of Pleasant Grove; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Hubert Kilgore and express our deep and sincere sympathy to his widow, Mrs. Myrtle Kilgore, and his family to whom copies of this resolution shall be sent.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 208 H.J.R. 278—Gafford, Falkenburg, Biddle, Waggoner

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. S. VINCENT TOWNSEND, SR.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Mrs. Townsend of Birmingham; and

WHEREAS Mrs. Townsend contributed immeasurably to the enrichment of our social, cultural and economic lives. She was a diligent and devoted member of the Church of the Advent, the Arlington Historical Association and the Daughters of the American Revolution; and

WHEREAS Mrs. Townsend was a devoted community

builder who served her people with great love and dedication; and

WHEREAS Mrs. Townsend was an assistant for more than 20 years to the late K. W. Grimley when he was executive director of the former Alabama T. B. Association and the former Anti-T. B. Association of Jefferson County; and

WHEREAS Mrs. Townsend was the wife of the vice president and assistant to the publisher of the Birmingham News and her advice was often sought by state political leaders; and

WHEREAS Mrs. Townsend is survived by her husband, Mr. S. Vincent Townsend, Jr., by a son, Mr. S. Vincent, Jr. and by a daughter, Mrs. William F. O'Conner of Tuscaloosa; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. S. Vincent Townsend, Sr. and express our deep and sincere sympathy to her widower, Mr. S. Vincent Townsend, Sr., and her family to whom copies of this resolution shall be sent.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 209 H.J.R. 281—Jackson (R)

HOUSE JOINT RESOLUTION

MEMORIALIZING MAURICE WHITE FOR BREAKING THE SINGLE SEASON RUSHING RECORD OF THE LATE IMMORTAL WILLIE GALIMORE OF FLORIDA A&M UNIVERSITY AND THE CHICAGO BEARS OF THE NATIONAL FOOTBALL LEAGUE

WHEREAS, Maurice White, a senior running back on the 1975 edition of the Miles College Golden Bear Football teams, did in 1974 break the Southern Intercollegiate Athletic Conference single season rushing record by gaining over 1,200 yards less than 10 games and 130 rushes; and

WHEREAS, The foregoing record was, when broken by Maurice White of the Miles College Golden Bears, held by the former All-Pro runningback of the National Football League Chicago Bears, the late Willie Galimore of Florida A&M University; and

WHEREAS, Preseason sport forecasters have selected

Maurice White as one of the nation's "Outstanding Running Backs"; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does commend Maurice White for his accomplishments and exploits on the gridiron of the Southern Intercollegiate Athletic Conference; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Maurice White; The President of Miles College; the President of Florida A&M University; the Commissioner of the Southern Intercollegiate Athletic Association; and the Chicago Bears Football Team of the National Football Association.

Approved September 5, 1975

Time: 3:30 P.M.

Act. No. 210 S.J.R. 92—Flippo, Pearson, Ellis, Mims, Fine

SENATE JOINT RESOLUTION

TO DESIGNATE HIGHWAY 72 FROM I-65 TO THE ENTRANCE OF WHEELER STATE PARK THE "JOE WHEELER STATE PARKWAY."

WHEREAS the Joe Wheeler State Park is one of the most scenic places on the Tennessee River; and

WHEREAS thousands of Alabamians and out-of-state visitors enjoy the facilities at Joe Wheeler State Park; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Highway 72 from I-65 to the entrance of Joe Wheeler State Park shall be designated the "Joe Wheeler State Parkway"; and the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate markers to be erected to so designate said highway.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 211 S.J.R. 95—Edwards

SENATE JOINT RESOLUTION

TO DESIGNATE HIGHWAY 67 FROM I-65 TO ITS IN-

TERSECTION WITH FEDERAL HIGHWAY 31 THE "POINT MALLARD PARKWAY."

WHEREAS the Point Mallard Park is one of the most unique recreational facilities on the Tennessee River; and

WHEREAS thousands of Alabamians and out-of-state visitors enjoy the facilities at Point Mallard Park; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that State Highway 67 from I-65 to its intersection with Federal Highway 31 shall be designated the "Point Mallard Parkway"; and the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate markers to be erected to so designate said highway.

Approved September 5, 1975

Time: 3:30 P.M.

Act No. 212 S.J.R. 94—Mitchell

SENATE JOINT RESOLUTION

LAMENTING THE ATTEMPTED ASSASSINATION OF JUDGE ARTHUR GAMBLE, JR.

WHEREAS, the Alabama legislature has noted with a deep sense of regret and outrage the senseless assassination attempt, which occurred on August 15, 1975, of our able and esteemed friend, and former Senator, The Honorable Arthur Gamble, Jr.;

WHEREAS, Arthur Gamble Jr. began the practice of law in 1949 at Greenville, Alabama, his home, and has distinguished himself as a dedicated citizen, lawyer, State Senator, district attorney and jurist; and

WHEREAS, Judge Gamble's dedication, justice, fairness, and honesty as Circuit Judge of Butler County since 1969 have earned him the respect and admiration of all who know him.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do profoundly regret with outrage the atrocious act which resulted in the serious injuries causing the hospitalization of The Honorable Arthur Gamble, Jr., and extend to him our every best wish for his speedy and complete recovery.

BE IT RESOLVED, That we urge anyone having any knowledge or information which might lead to the conviction of the perpetrator or perpetrators of this heinous crime to come forward and give this information to the district attorney, and in an attempt to deter such deplorable conduct, concurrently with this Resolution there is being introduced in this body legislation authorizing a reward of up to $10,000.00 to the person giving information leading to arrest and conviction in cases of a heinous nature, including attempted assassination of members of the judiciary.

BE IT RESOLVED FURTHER, That a copy of this Resolution be sent to The Honorable Arthur Gamble, Jr.

Approved September 8, 1975

Time: 3:00 P.M.

Act No. 213 H. 212—Morris, Biddle, Mitchem, Callahan, Sandusky, White, Campbell, Sasser

AN ACT

To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Except in cases enumerated and described in Section 2 herein, neither a court nor a jury shall fix the punishment for the commission of treason, felony, or other offenses at death, and the death penalty or a life sentence without parole shall be fixed as punishment only in the cases and in the manner herein enumerated and described in Section 2 of this Act. In all cases where no aggravated circumstances enumerated in Section 2 are expressly averred in the indictment, the trial shall proceed as now provided by law, except that the death penalty or life imprisonment without parole shall not be given, and the indictment shall include all lesser offenses.

Section 2. If the jury finds the Defendant guilty, they shall fix the punishment at death when the Defendant is charged by indictment with any of the following offenses and with aggravation which must also be averred in the indictment, and which offenses so charged with said aggravation shall not include any lesser offenses:

(a) Kidnapping for ransom or attempts thereof, when the victim is intentionally killed by the defendant.

(b) Robbery or attempts thereof when the victim is intentionally killed by the defendant.

(c) Rape when the victim is intentionally killed by the defendant; carnal knowledge of a girl under 12 years of age, or abuse of such girl in an attempt to have carnal knowledge, when the victim is intentionally killed by the defendant.

(d) Nighttime burglary of an occupied dwelling when any of the occupants is intentionally killed by the defendant.

(e) The murder of any police officer, sheriff, deputy, state trooper, or peace officer of any kind, or prison or jail guard, while such prison or jail guard is on duty, or because of some official or job-related act or performance of such officer or guard.

(f) Any murder committed while the Defendant is under sentence of life imprisonment.

(g) Murder in the first degree when the killing was done for a pecuniary or other valuable consideration, or pursuant to a contract or for hire.

(h) Indecent molestation, or an attempt to indecently molest a child under the age of 16 years, when the child victim is intentionally killed by the defendant.

(i) Willful setting off or exploding dynamite or other explosive under circumstances now punishable by Title 14, Section 123 or 124, Code of Alabama 1940, when a person is intentionally killed by the defendant because of said explosion.

(j) Murder in the first degree wherein two or more human beings are intentionally killed by the defendant by one or a series of acts.

(k) Murder in the first degree where the victim is a public official or public figure, and the murder stems from or is caused by or related to his official position, acts, or capacity.

(l) Murder in the first degree committed while Defendant is engaged or participating in the act of unlawfully assuming control of any aircraft by use of threats or force with intent to obtain any valuable consideration for the release of said aircraft or any passenger or crewman thereon, or to direct the route or movement of said aircraft, or otherwise exert control over said aircraft.

(m) Any murder committed by a Defendant who has been convicted of murder in the first or second degree in the twenty years preceding the crime.

(n) Murder when perpetrated against any witness subpoened to testify at any preliminary hearing, trial or grand jury proceeding against the defendant who kills or procures the killing of witness, or when perpetrated against any human being while intending to kill such witness.

Evidence of intent under this section shall not be supplied by the felony-murder doctrine.

In such cases, if the jury finds the Defendant not guilty, the Defendant must be discharged. The court may enter a judgment of mistrial upon failure of the jury to agree on a verdict of guilty or not guilty or on the fixing of the penalty of death. After entry of a judgment of mistrial, the Defendant may be tried again for the aggravated offense, or he may be re-indicted for an offense wherein the indictment does not allege an aggravated circumstance. If the Defendant is re-indicted for an offense wherein the indictment does not allege an aggravated circumstance, the punishment upon conviction shall be as heretofore or hereafter provided by law, however the punishment shall not be death or life imprisonment without parole.

Section 3. If the jury finds the Defendant guilty of one of the aggravated offenses listed in Section 2 hereof and fixes the punishment at death, the court shall thereupon hold a hearing to aid the court to determine whether or not the court will sentence Defendant to death or to life imprisonment without parole. In the hearing evidence may be presented as to any matter that the court deems relevant to sentence, and shall include any matters relating to any of the aggravating or mitigating circumstances enumerated in Section 6 and 7 of this Act. Any such evidence which the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided that the Defendant is accorded a fair opportunity to rebut any hearsy statements; and further provided that this section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the State of Alabama. The State and the Defendant, or his counsel, shall be permitted to present argument for or against the sentence of death.

Section 4. Notwithstanding the fixing of the punishment at death by the jury, the court after weighing the aggravating and mitigating circumstances may refuse to accept the death penalty as fixed by the jury and sentence the Defendant to life imprisonment without parole, which shall be served without parole; or the court after weighing the aggravating and mitigating circumstances, and the fixing of the punishment at death by the jury, may accordingly sentence the Defendant to death. If the court imposes a sentence of death, it shall set forth in

writing as the basis for the sentence of death, findings of fact from the trial and the sentence hearing which shall at least include the following:

(a) One or more of the aggravating circumstances enumerated in Section 6, which it finds exists in the case and which it finds sufficient to support the sentence of death, and

(b) Any of the mitigating circumstances enumerated in Section 7 which it finds insufficient to outweigh the aggravating circumstances.

Section 5. The judgment of conviction and sentence of death shall be subject to automatic review as now required by law.

Section 6. Aggravating circumstances. Aggravating circumstances shall be the following:

(a) The capital felony was committed by a person under sentence of imprisonment;

(b) The Defendant was previously convicted of another capital felony or a felony involving the use or threat of violence to the person;

(c) The Defendant knowingly created a great risk of death to many persons;

(d) The capital felony was committed while the Defendant was engaged or was an accomplice in the commission of, or an attempt to commit, or flight after committing, or attempting to commit, rape, robbery, burglary, or kidnapping for ransom;

(e) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

(f) The capital felony was committed for pecuniary gain;

(g) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws;

(h) The capital felony was especially heinous, atrocious or cruel.

Section 7. Mitigating circumstances. Mitigating circumstances shall be the following:

(a) The Defendant has no significant history of prior criminal activity;

(b) The capital felony was committed while the Defendant was under the influence of extreme mental or emotional disburbance;

(c) The victim was a participant in the Defendant's conduct or consented to the act;

(d) The Defendant was an accomplice in the capital felony committed by another person and his participation was relatively minor;

(e) The Defendant acted under extreme duress or under the substantial domination of another person;

(f) The capacity of the Defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired;

(g) The age of the Defendant at the time of the crime.

Section 8. Each person indicted for an offense punishable under the provision of this act who is not able to afford legal counsel must be provided with court appointed counsel having no less than five years prior experience in the active practice of criminal law.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective one hundred and eighty (180) days from the date which the Governor affixes his signature thereto.

Approved September 9, 1975

Time: 2:55 P.M.

Act No. 214 S. 326—Pearson, Fine, Clemon, Gilmore, Bank and Foshee

AN ACT

To create and establish the Alabama Board of Funeral Service; to establish rules and regulations; to provide for the licensing of funeral directors, embalmers and funeral establishments; to provide for the examination for licenses; and to set fees therefor; to establish procedure for election and terms of members of the Board and to define powers and duties of the Board; to provide penalties; to merge the State Embalming Board into the Alabama Board of Funeral Service and provide that the latter Board shall perform all the functions and duties of the State Embalming Board; and to repeal Title 46, Sections 121 through 128, Code of Alabama 1940, and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. — Purpose of the Act.

It is declared and established that the procedures for mak-

ing final disposition of human dead, including embalming and funeral directing, are so affected with the public interest as to require regulation and control of such included occupations, and that additionally, such regulation and control is necessary for the prevention of the spread of infectious and contagious diseases; for the protection of the health and welfare of the people of the state and that all of the provisions of this act and regulations authorized to be made are necessary to effectuate its purpose; and all of the provisions of this act shall be construed liberally and in a matter to carry out its obvious intents and purposes.

Section 2. — Definitions.

As used in this act, the terms hereinafter listed shall have the following meaning and definition:

Board shall mean The Alabama Board of Funeral Service.

Embalming shall mean the practice, science or profession, as commonly practiced, of preserving, disinfecting and preparing by application of chemicals or other effectual methods, human dead, for burial, cremation or transportation.

Embalmer shall mean any person engaged, or holding himself out as engaged in the business, practice, science or profession of embalming, whether on his own behalf or in the employ of a registered and licensed funeral director.

Practical Embalmer shall be any person who has been actively and continuously engaged or employed in the practice of embalming under the supervision of a licensed embalmer for four (4) consecutive years immediately preceding May 1, 1975, and has been issued a license as such as a practical embalmer under the grandfather provisions of this act.

Cemetery shall be construed to mean a place dedicated to and used or intended to be used for the permanent interment of human remains. It may be either land or earth interment; a mausoleum for vault or crypt entombment; a structure or place used or intended to be used for the interment of cremated remains; cryogenic storage; or any combination of one or more thereof.

Cemetery Authority shall mean any individual, person, firm, profit or non-profit corporation, trustee, partnership, society, religious society, church, association or denomination, municipality or other group or entity, however organized, insofar as they or any of them may now or hereafter establish, own, operate, lease, control or manage one or more cemeteries, burial parks, mausoleums, crematories, columbariums, or any combination or variation thereof, or hold lands or structures for burial grounds or burial purposes in this state, and engage in the

operation of a cemetery, including any one or more of the following: the care and maintenance thereof; the interment, entombment or cremation and memorialization of the human dead therein; the sale, installation, care, maintenance, or any combination thereof, with respect to monuments, markers, foundations, memorials, burial vaults, urns, crypts, mausoleums, columbariums, flower vases, floral arrangements and other cemetery accessories, for installation or use within a cemetery; the supervision and conduct of funeral and burial services within the bounds of the cemetery. It is the legislative intent of this act that a cemetery authority, to the extent that it engages in any of the foregoing described activities, shall not be affected by this act, and shall not be deemed to have entered into or engaged in the practice of funeral directing, embalming or funeral establishment operation.

Funeral Establishments: The term "Funeral Home," "Mortuary", or "Funeral Establishment", shall be construed to be a place at a specific street address or location where the profession of funeral directing and embalming, as defined in this act, are practiced in the care, planning and preparation for burial or cremation or transportation of human dead; but shall not include any cemetery, or land or structure owned, operated, leased, controlled or managed by any cemetery authority as a cemetery. All of such places shall consist of and shall maintain the following facilities:

(a) A preparation room equipped with a sanitary floor and necessary drainage and ventilation and containing necessary approved tables, instruments and supplies for the preparation and embalming of dead human bodies for burial, cremation and transportation.

(b) A display room containing a stock of adult caskets and funeral supplies.

(c) At least one (1) motor vehicle equipped for transporting casketed human remains.

Apprentice Embalmer or Embalmer's Apprentice means any person engaged in the study of the art of embalming under the instructions and supervision of a regularly licensed embalmer and practicing in this state.

Apprentice Funeral Director or Funeral Director's Apprentice means any person operating under or in association with a funeral director for the purpose of learning the business or profession of funeral director, to the end that he may become licensed under the provisions of this act.

Mortuary Science shall mean the scientific, professional and practical aspects, with due consideration given to accepted

practices, covering the care, preparation for burial or transportation of dead human bodies, which shall include the preservation and sanitation thereof and restorative art, and as such is related to public health, jurisprudence, and good business administration.

Operator shall mean a person, corporation, firm, legal representative or other organization owning or operating a funeral establishment.

Accredited School or College of Mortuary Science shall mean a school or college approved by The Alabama Board of Funeral Service and which maintains a course of instruction of not less than 48 calendar weeks or 4 academic quarters or college terms and which gives a course of instruction in the fundamental subjects as set forth but not limited to the following:

(a) mortuary management and administration;

(b) legal medicine and toxicology as it pertains to funeral directing;

(c) public health, hygiene and sanitary science;

(d) mortuary science, to include embalming technique, in all its aspects; chemistry of embalming, color harmony; discoloration, its causes, effects and treatment; treatment of special cases; restorative art; funeral management; and professional ethics;

(e) anatomy and physiology;

(f) chemistry, organic and inorganic;

(g) pathology;

(h) bacteriology;

(i) sanitation and hygiene;

(j) public health regulations; and/or

(k) other courses of instruction in fundamental subjects as may be prescribed by The Alabama Board of Funeral Service.

American Board of Funeral Service Education shall mean that funeral service education organization which is an agency granted official recognition by the United States Commissioner of Education and which is composed of members representing the American Association of Colleges of Mortuary Science, the Conference of Funeral Service Examining Board of the United States, Inc., the National Association of Colleges of Mortuary Science, the University Mortuary Science Education Association and which has as its object the furtherance of education in the field of funeral service and in fields necessary thereto or allied therewith and further to formulate standards of funeral service

education and to grant accreditation to qualified schools and colleges of mortuary science and to do all things incidental to the foregoing.

Funeral Supplies or Funeral Merchandise shall mean caskets made of any material for use in the burial or transportation of human dead; outer receptacles, when sold by a funeral director, including burial vaults and urns (for cremated human remains); clothing used to dress human dead when sold by a funeral director; and all equipment and accouterments normally required for the preparation for burial or funeral and other disposition of human dead.

Funeral Director shall mean a person required to be licensed to practice the profession of funeral directing under the laws of this state, who meets the public, displays and sells or offers to sell funeral merchandise or supplies; who plans details of funeral services with members of the family and minister or any other person responsible for such planning, or who directs, is in charge, or apparent charge of, and supervises such service in a funeral home, church, or other places; who enters into the making, negotiation, or completion of financial arrangements for funerals, including, but not limited to, the sale and selection of funeral supplies, or who uses in connection with the profession of funeral directing the words or terms "funeral director", "undertaker", "funeral counselor", "mortician", or any other word, term, or picture or combination thereof when considered in context in which used, from which can be implied the practicing of the profession of funeral directing or that the person using such word, term, or picture can be implied to be holding himself out to the public as being engaged in the profession of funeral directing; provided, however, for the purposes of this act such term or terms shall not include any cemetery authority as herein defined.

Funeral Directing shall mean the practice of directing or supervising funerals or the practice of preparing dead human bodies for burial by means other than embalming, or the preparation for the disposition of dead human bodies; the making of arrangements or providing for funeral services or the selling of or offering for sale funeral merchandise or funeral supplies or the making of financial arrangements for the rendering of said services or the sale of such merchandise, or supplies, or the provision or maintenance of a place for the preparation for disposition of dead human bodies, or the use of the words or term "funeral director", "undertaker", "mortician", "funeral parlor", or any other word or term from which can be implied the practice of funeral directing; or the holding out to the public that one is a funeral director or engaged in a practice herein described.

Nothing in this act shall require a funeral director or funeral establishment to have or provide a chapel or to restrict, in any manner, the conduct of funeral services from a church or chapel.

Nothing contained in the foregoing definition of funeral directing, or in any other provision of this act, shall be deemed or construed to be applicable to or to regulate or restrict in any manner cemetery authorities in the conduct of activities of a cemetery authority as defined in this act; or to be applicable to or to regulate or restrict, in any manner, the carrying on by any cemetery authority of any and all activities, functions, practices and services which may now or hereafter (i) constitute any part of the operation or management of a cemetery or of the property of a cemetery as defined in this act, or (ii) otherwise consist of the interment or entombment of the human dead or memorialization of the human dead in any manner within a cemetery property.

Section 3. — Creation of the Board.

The State Board of Embalming is hereby abolished and shall have no authority hereafter to function as a licensing board. There is hereby created and established in its stead The Alabama Board of Funeral Service, consisting of seven (7) members, each of whom shall be citizens of the United States and of the State of Alabama. All members of the Alabama Embalming Board who are holding office on the effective date of this act shall, by virtue of said office, become members of the Alabama Board of Funeral Service for the term ending December 31, 1976, provided not more than one member of the Alabama Board of Funeral Service may reside in the same district as herein created under Section 4 if more than one member of the State Embalming Board resides in one district at the time of the organization of said Board, the Governor shall select one (1) member of said Embalming Board to be a member of the original Alabama Board of Funeral Service from said district and the other member of said Embalming Board shall not be eligible for membership on said Board.

At a special meeting called for such purpose, to be held in Montgomery, Alabama within forty five (45) days from the effective date of this act, the Alabama Funeral Directors Associaition, Incorporated and the Alabama Funeral Directors and Morticians Association, Incorporated, in joint meeting, shall nominate three (3) qualified persons for each of the positions as members of the original Board of the Alabama Board of Funeral Service which are not filled by members of the State Embalming Board. The names of such persons, so nominated, shall be promptly certified by the Secretary of the Alabama Funeral Directors Association, Incorporated and the Alabama Funeral Directors and Morticians Association, Incorporated to

the Governor of the State of Alabama who shall appoint the members of said Board from among the persons so nominated, provided, however, that not more than four (4) members of said Board at any time, may be members of the same race Four (4) members shall be appointed for a term ending December 31, 1977, and the Board shall be constituted so that the terms of three (3) members of said Board will end December 31, 1976 and the terms of four (4) members will end December 31, 1977. The terms of the members of the State Embalming Board, who become members of the Alabama Board of Funeral Service under this act, shall expire December 31, 1976 unless there are more than three (3) such members, in which event, the Governor shall designate which of the three (3) members of the State Embalming Board shall serve for terms ending December 31, 1976 and which shall serve for terms ending December 31, 1977.

After selection of the original members of The Alabama Board of Funeral Service and during October of each year, all embalmers and all funeral directors licensed under this act shall meet in Montgomery, Alabama at a time and date in October and at a place to be fixed by the Alabama Board of Funeral Service for the purpose of nominating three (3) persons to the Governor of Alabama for each vacancy on said Board and the Governor shall promptly appoint one of the three (3) persons so nominated.

The successors to the original members of The Alabama Board of Funeral Service shall be selected for terms of two (2) years. After the terms of the original members of the Alabama Board of Funeral Service, four (4) of said members serving on said Board must be practicing and licensed embalmers in Alabama for the last ten (10) consecutive years immediately preceding their appointment and shall be licensed embalmers and funeral directors in this state under this act. Three (3) of said members shall have been actively engaged in funeral directing in Alabama for the last ten (10) consecutive years preceding their appointment and shall be licensed funeral directors of this state, under this act, and shall, at the time of their appointment to the Board, be operators of funeral establishments in this state. If the license of a member of said Board as a funeral director or embalmer should be revoked or suspended, such member shall automatically, be reason of such revocation or suspension, become ineligible to serve as a member of the Board and a new member, properly qualified, must be selected in the same manner provided for appointment to the Board. Should a member fail to qualify after appointment, then he shall automatically become ineligible to serve as a member of the Board, and a new member, properly qualified, shall be appointed and shall serve the remainder of the term of the member so terminated. Each member of the Board must remain an active

practicing funeral director or embalmer and funeral establishment operator during his tenure of service on the Board. Each member may be reappointed for one (1) additional two-year term, as provided by this act, or new members may be appointed under the terms of this act. It is the intent of this act that no person shall serve more than a total of four (4) years as a member of the Board. In no event shall more than one (1) member of the Alabama Board of Funeral Service reside in one district. At each meeting where nominations are made for members of the Board, only one (1) licensed funeral director of each establishment shall have the right to vote for nominees.

Section 4. — Seven Districts Created.

There are hereby created for the purpose of this act seven (7) geographical districts which shall be identical with the seven (7) Congressional Districts as fixed and established by Title 17, Section 425 of the 1940 Code of Alabama, as amended by Act No. 120 of the Third Special Session of 1971 approved June 19, 1972 (1971 General Acts, Third Special Session pp 4359- 60), and as may thereafter be amended. It being the purpose and intention of this section to provide that one (1) member of The Alabama Board of Funeral Service shall be selected from each district, which shall be geographically identical with the Congressional Districts, and that three (3) nominees to the Governor for appointment to said Board shall be made from each said district.

Section 5. — Meetings.

The Alabama Board of Funeral Service shall hold not less than one (1) meeting quarterly for the purpose of examining applicants for licenses, such meeting to be held at such time and place as the Board may determine after notice of such meeting has been given in the manner prescribed herein at least fifteen (15) days prior to such meeting. The Board shall not have power to delegate to any person who is not a member of the Board the authority to conduct or administer an examination for a license, it being the intent of this act that only members of the Board may conduct or administer examinations for licenses. The Board may hold such other meetings as it may deem necessary. Four (4) or more members shall comprise a quorum. The Board shall not meet on the premises of any embalming school or college of mortuary science and if any such meeting is held all the proceedings of such meeting shall be void. If any applications for license under this act are pending, the applicant or applicants shall be afforded the right to take the examination required hereunder at the date and place of such quarterly meeting.

Section 6. — Powers and Duties of the Board.

(a) The Board appointed under the provisions of this act

and each successor thereto is authorized to select from its own membership a Chairman, to adopt and promulgate such rules and regulations for the transaction of its business and for the betterment and promotion of the standards of service and practice to be followed in the funeral service profession in the State of Alabama as it may deem expedient and consistent with the laws of this state and for the public good.

The Chairman of the Board shall preside at all meetings of the Board unless otherwise ordered and he shall exercise and perform all duties and functions incident to the office of Chairman of the Board.

The Board may select also from its own membership a Vice-Chairman, a Secretary, and a Treasurer. No two offices to be held by the same person. The Chairman and Vice Chairman shall not be of the same race.

(b) The Treasurer shall give bond to the State of Alabama in the sum of $10,000.00 and any premium payable for such bond shall be paid from the funds of the Board. Such bond shall be deposited with the Treasurer of the State of Alabama.

(c) All members of the Board shall serve without compensation provided that such members shall be reimbursed for their necessary traveling expenses and the necessary expenses incident to their attendance upon the business of the Board, and in addition thereto, they shall receive the sum of $50.00 per diem for every day not to exceed ten (10) days per year actually spent by such member upon the business of the Board. The Board may employ an Executive Secretary and Associate Executive Secretary who shall each receive and be paid an annual salary to be fixed by the Board, but not to exceed the salary level established and paid to cabinet officers in the state government. Such salary shall be paid on a monthly basis. In addition thereto, the Executive Secretary and Associate Executive Secretary shall receive his or her necessary traveling and other incidential expenses as are incurred in the performance of such duties, and all such expenses, per diem and compensation shall be paid out of the receipts of the Board. At not time shall the operation of the Board be an expense to the state and at no time shall expenses of the Board exceed the receipts hereof.

(d) The Executive Secretary of the Board shall have complete supervision and be held responsible for the direction of the office of the Board, and shall have supervision over field inspection and enforcement of the provisions of this act and shall be responsible and answerable to said Board. The Associate Executive Secretary shall assist the Executive Secretary and perform such other duties as may be assigned to him or her

by the Board. The Executive Secretary and Associate Executive Secretary shall not be of the same race.

(e) The Executive Secretary of the Board shall keep a record in which shall be registered the name and business address of every person to whom licenses have been granted in accordance with this act, the number and date of such license, and the date of each renewal thereof. In the month of January of each and every year, the Executive Secretary of said Board shall supply each person licensed for the practice of embalming and funeral directing with a list of all persons and establishments holding a license under this act, then in force, given the names of such persons, their business address, and the number of their license.

(f) It shall be the duty of the Executive Secretary of the Board to prepare under the direction of said Board and cause to be printed, all forms required by this act to be prescribed by the Board. All notices required to be mailed by any provision of this act shall be directed to the last known post office address of the party to whom the notice is sent.

(g) Said Executive Secretary shall serve at the pleasure of the Board and shall perform such duties as may be necessary for the proper functioning of the Board as the Board may determine or as may be prescribed in this act. During and for three (3) years after his employment, neither the Executive Secretary nor any member of his family within the third degree shall be employed by any funeral establishment.

(h) All fees received under the provisions of this act shall be paid into a special fund in the State Treasury to be known as the Alabama State Funeral Directors and Embalmers Fund, which is hereby created, for the necessary and proper expenses of the Board, and for a reasonable reserve for future use by the Board. All monies in said fund are hereby appropriated, as a continuing appropriation, to the Alabama Board of Funeral Service to be used for carrying out any of the provisions of this act.

(i) Each member of the Board, the Executive Secretary, the Associate Executive Secretary and designated employees of the Board appropriately identified hereby are authorized on complaint or for inspection purposes to enter the office, premise, establishment or place of business of any funeral service licensee in the State of Alabama or any office, premises, establishment or place where the practice of funeral service is carried on, or where such practice is advertised as being carried on, for the purpose of inspecting said office, premises, or establishment and for the purpose of inspecting the license and registration of any funeral service licensee and apprentice trainee operating therein.

All members of the Board or designated employees of the Board are hereby authorized to serve and execute any process issued by any court under the provisions of this act and to serve and execute any papers or process issued by the Board or any officer or member thereof, under authority of this act,

(j) The Board may employ such clerical assistants and employees or other help as may be necessary to carry out the provisions of this act, and the terms and conditions of such employment shall be determined by the Board. The Board may establish and equip an office from which the provisions of this act may be carried out.

Section 7. — Oath and Commission of Board Members.

Every member of the Board, after appointment and before entering upon his duties, shall make oath before some officer competent to administer oaths, that he is legally qualified to become a member of said Board under the provisions of this act, and that he will faithfully perform the duties of such office, a copy of which shall be filed in the office of the Secretary of State.

Section 8. — Seal; Rules and Regulations.

The Board shall adopt a common seal which may be altered as often as said board may desire and may adopt and enforce reasonable rules and regulations relating to:

(1) The practice of the profession of embalming, including, but not limited to, solicitation of business.

(2) The practice of the profession of funeral directing, including but not limited to, solicitation of business.

(3) The sanitary condition and physical facilities of funeral homes, mortuaries and funeral establishments where the profession of embalming and funeral directing is carried on, with particular regard to plumbing, sewage, disinfecting, ventilation and equipment.

(4) Carrying out generally the various provisions of this act for the protection of the peace, health, safety and welfare of the public.

(5) Carrying out a program for training of apprentice embalmers and apprentice funeral directors.

Section 9. — License Required to Practice Funeral Directing.

(1) No person shall engage in the practice or profession or business of a funeral director after February 1, 1976 unless licensed to do so by the Alabama Board of Funeral Service. The Board hereby is granted authority to issue license to funeral directors.

(2) Any person desiring to engage in the business, profession or practice of funeral director shall make application to the Board, and shall accompany his application by the fee of $50.00, whereupon, the Board shall fix the time and place for the examination of the applicant and shall notify the applicant thereof.

Section 10. — License Required to Practice Embalming.

(1) No person shall follow, engage in, or hold himself out as engaged in the practice as an embalmer after February 1, 1976 unless licensed to do so by the Alabama Board of Funeral Service. The Board hereby is granted authority to issue licenses to embalmers.

(2) All persons shall qualify for examination in accordance with the provisions of this act and shall be licensed as an embalmer only after due examination by the Board and the payment of the examination and license fee of Fifty Dollars ($50.00).

(3) No license to an embalmer, a funeral director or a funeral establishment granted under or regulated by this act shall be transferable or assignable.

Section 11. — Application of Act.

This act does not apply to any cemetery or cemetery authority, or to any public institution, medical college, county medical society, anatomical association, college of embalming, or any officer thereof, or to any other recognized person carrying out the provision of the statutes of the State of Alabama prescribing the conditions under which indigent human dead bodies are held subject for scientific or anatomical study, provided, however, nothing in this section shall be construed to give any cemetery or cemetery authority or any other person or entity the right to enter unto or engage in any funeral home operation or the practice of embalming or funeral directing or any related funeral home or funeral directing activities. Nor shall this act include any temporary or occasional or extra help to assist in the conduct of a funeral employed on such basis by a funeral director, provided such funeral is under the general supervision of a licensed funeral director.

Section 12. Application for Funeral Director's License.

An application for a license as a funeral director shall be in writing and verified on a form provided by and addressed to the Board and filed with the Secretary of the Board. The application must specify the address of the applicant, and must be accompanied by the affidavits of at least two (2) licensed embalmers or funeral directors to the effect that the applicant

is of good character and has qualified himself to become licensed as prescribed by this act.

Section 13. — Qualifications of Applicants for Funeral Director's Examination.

An applicant for a funeral director's license is entitled to an examination if he:

(1) Is a citizen of the United States.

(2) Is at least 18 years of age.

(3) Has had practical experience as an apprentice for not less than two (2) within a period of three (3) consecutive years, excluding time lost by interruptions caused by active duty of applicant in the military service of the United States or its allies during war or national emergency, and excluding time lost by interruptions which the Board deems excusable as caused by circumstances beyond the control of the applicant.

(4) Has completed apprenticeship not more than two (2) years prior to taking the examination within a period of three (3) consecutive years, excluding time lost under the circumstances mentioned in subsection (3) of this section.

Section 14. — Scope of Examination for Funeral Director's License.

The applicant for a funeral director's license shall, before the application is granted, successfully pass an examination upon but not limited to the following subjects: funeral directing, the manners in which death may be determined, the laws governing the preparation and disposal of human dead bodies and the shipment of bodies dying from infectious or contagious diseases, and local health and sanitary ordinances in relation to funeral directing. Said examination shall be prepared and graded by the Board, which may review and adopt, in whole or in part, examination questions or forms proposed by the American Board of Funeral Service Education if it finds, in the discretion of the Board, that such questions are appropriate and adequate.

Section 15. — Examination of Applicants for Embalmer's License.

The Board shall hold a public examination at least once each quarter for the purpose of examining applicants for embalmer's license, as prescribed in Section 5 of this act at such time and place as the Board may determine. Notice of the time and place of the meeting shall be sent to the various applicants by mail at least fifteen (15) days before the meeting or examination.

Section 16. — Application for Embalmer's Examination.

The applicant for an embalmer's license shall make application to the Board and shall present himself at the next meeting of the Board for the examination of applicants. The application must be in writing and verified on a form provided by and addressed to the Board and must be accompanied by the prescribed fee and by affidavits of at least two (2) licensed embalmers to the effect that the applicant is of good moral character and has met all qualifications required for examination for license as prescribed by this act.

Section 17. — Qualifications of Applicants for Embalmer's License.

In order to qualify for a license as an embalmer, the applicant shall:

(1) Be a citizen of the United States.

(2) Be over 18 years of age.

(3) Be of good character.

(4) Have completed a two (2) year course of apprenticeship under an embalmer or embalmers licensed and engaged in practice as an embalmer in this state, and the applicant shall have completed the required course of apprenticeship within a period of three (3) consecutive years, excluding time lost by interruption caused by active duty of the applicant in the military service of the United States or its allies during war or national emergency, and excluding time lost by interruptions which the Board deems excusable as caused by circumstances beyond the control of the applicant.

(5) Have completed a course of instruction in an embalming school or college which has been approved by the Board as defined in Section 20 of this act.

(6) Have completed the course of apprenticeship not more than two (2) years within a period of three (3) years before the date of examination, excluding time lost under the circumstances mentioned in subsection (4) of this section.

Section 18. — Scope and Conduct of Embalmer's Examination.

The Board shall examine applicants for an embalmer's license in the following subjects:

(a) mortuary management and administration;

(b) legal medicine and toxicology;

(c) public health, hygiene and sanitary science;

(d) mortuary science, to include embalming technique, in all aspects; chemistry of embalming, color harmony, discoloration, its causes, effect and treatment; treatment of special cases; restorative art; funeral management; and professional ethics;

(e) anatomy and physiology;

(f) chemistry, organic and inorganic;

(g) pathology;

(h) bacteriology;

(i) sanitation and hygiene;

(j) public health regulations; and

(k) Other courses of instruction in fundamental subjects as may be prescribed by the Board. All examination papers shall be kept on file by the Alabama Board of Funeral Service for at least three (3) years. To constitute a passing grade, an applicant must receive an average mark of not less than 70% on all subjects; provided that where the applicant has received a mark of less than 70% in one or more subjects, such applicant shall not be passed notwithstanding his average mark may be higher than 70%. If the Board is satisfied that the applicant has the requisite qualifications to practice the occupation of embalming, a license shall be issued to him authorizing him to practice such occupation until October 1st of that year, at which time the license may be renewed as prescribed in this act.

Section 19. — Reciprocity of Licenses.

The Board may, but shall not be required to, recognize and issue without examination and upon payment of a fee of $50.00, a reciprocal license for the practice of funeral directing for any person licensed as a funeral director by any state granting the same reciprocity to Alabama. The Board may, but shall not be required to, recognize and issue without examination and upon payment of the prescribed fee of $50.00, a reciprocal license for the practice of embalming in Alabama to any person who applies and submits to the Board due proof and evidence of graduation from an embalming school or college recognized by the Board and who, at the time of application, holds a license in any other state for the practice of embalming, provided however, that proof is submitted to the Board certifying that said applicant is at the time of application a legal resident of Alabama and is employed by or associated with an Alabama funeral establishment.

Section 20. — Board Recognization of Schools and Colleges.

The Alabama Board of Funeral Service shall recognize and approve and accept applicants for examination from only those

established embalming schools or colleges which are recognized by the Board. The Board shall recognize and approve any embalming school or college approved by The American Board of Funeral Service Education, and any additional embalming schools or colleges which, in the judgment of the Board, offer courses of study which generally include the subjects set out in Section 18. The Alabama Board of Funeral Service shall not examine or issue an embalmer's license to any person who does not hold a certificate of graduation from an embalming school or college meeting the criteria or standards as herein defined in this section, except as provided in Section 49.

Section 21. — Execution and Display of Licenses.

(1) Licenses under this act shall be granted to individuals upon the qualification and successful examination of the individual applicant, and shall specify the name to whom it is issued.

(2) Every license issued under this act shall be signed by the Chairman and Executive Secretary of the Board, and shall be displayed in the place of business or employment of the licensee.

Section 22. — Annual Renewal of Embalmer's, Operator's and Funeral Director's Licenses.

(1) Every licensed funeral director, every licensed embalmer and every licensed operator shall pay annually a fee for the renewal of his license. The renewal fee payable by a licensed funeral director shall be $15.00, by a licensed enbalmer $15.00, and by a licensed operator $50.00.

(2) All licenses granted under this act shall expire on October 1st, following their issuance or renewal, and shall become invalid unless renewed as provided in this section. There shall be no pro ration of licenses.

(3) The Board shall mail on or before August 1st of each year to each licensed funeral director, to each licensed embalmer and to each licensed operator, addressed to him at his last address, a notice that his renewal fee is due and payable and that if such fee is not paid by October 1st, the licensed shall lapse.

Section 23. — Reissuing Funeral Establishment License When Name of Establishment Changed.

An operator of a funeral establishment licensed under the provision of Section 41 and who desires to change the name of the establishment, may have his license reissued to him, in the changed name, upon application to the Board and payment of a fee of $25.00.

Section 24. — Reinstatement of Lapsed Licenses.

When a licensee, for any reason, has allowed his license to lapse, the Board hereby is given power of reinstatement, in its discretion, if application therefor is made within a period of six (6) months from the lapse and is accompanied by all fees, from the time of the lapse to date of reinstatement.

Section 25. — Grounds for Revocation, Suspension or Refusal to Issue or Renew Licenses.

The Board has the power to refuse to grant, to refuse to renew, to suspend or revoke a license after proper hearing and notice to the licensee, upon the licensee being found guilty of any of the following:

(1) Conviction of a crime involving moral turpitude.

(2) Unprofessional conduct which hereby is defined to include:

(a) Misrepresentation or fraud in the conduct of the business or the professional of a funeral director or embalmer.

(b) False or misleading advertising as a funeral director or embalmer or knowingly engaging in any advertising which is misleading or inacurate in any material particular.

(c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending.

(d) Employment by the licensee of a person or persons to be used for the purpose of obtaining or soliciting funeral directing or embalming business.

(e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions where a death has occurred or is imminent by whose influence human dead bodies may be turned over to a particular funeral director or embalmer and/or funeral establishment.

(f) The buying of business by the licensee, his agents, assistants or employees.

(g) Gross immorality.

(h) Aiding or abetting an unlicensed person to practice funeral directing or embalming.

(i) Using profane, indecent or obscene language in the presence of a human dead body, or within the immediate hearing of the family or relative of a deceased whose body has not yet been interred or otherwise disposed of.

(j) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or caused a human dead body to be disposed of in any mausoleum or cemetery.

(k) Violation of any of the provisions of this act.

(l) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of human dead bodies.

(m) Fraud or misrepresentation in obtaining a license.

(n) Refusing to promptly surrender the custody of a human dead body, upon the express order of the person lawfully entitled to the custody thereof.

(o) If the applicant or holder of a license performs services after January 1, 1976 in a professional capacity as a funeral director and/or embalmer for any unlicensed funeral establishment operating in violation of this act.

(p) Being untoxicated or under the influence of illegal drugs while on duty at a funeral establishment.

(q) Willfully retaining or willfully failing to account for any property of a decedent.

(r) Knowingly and willfully signing a certificate as having embalmed or prepared a body for burial when, in fact, someone else did it.

Section 26 — Application for an Issuance of Apprentice's Certificate in Embalming and Funeral Directing.

(1) Every person desiring to engage as an apprentice shall make application as a funeral director's apprentice or an embalmer's apprentice to the Board upon a form provided by the Board. The application shall state that the applicant is over the age of 18, holds a high school certificate, or the equivalent, and is of good moral character. The application must be verified by the oath of applicant and be accompanied by a fee of $10.00. The Executive Secretary of the Board shall, whenever it appears to him that no reason exists for the denial of an application and that the application is regular upon its face, have the power to issue to the applicant a certificate of apprenticeship, without submitting the application to the Board. If, however, any doubt exists as to the qualifications of the applicant, the application shall be submitted to the Board and may be accepted or rejected by a majority of the Board.

(2) The regular course of apprenticeship shall be two (2) years, but the apprentice is entitled to two (2) weeks time off each year, without leave of absence from the Board. Any

applicant for an apprentice certificate or license shall be credited with all time served as such as an apprentice embalmer or funeral director prior to the adoption of this act upon filing of two (2) affidavits confirming such service by a licensed embalmer or funeral director under whom such service was performed.

Section 27. — Annual Reviewal of Apprentice's Certificate.

A certificate of apprenticeship issued as provided for herein shall be signed by the apprentice and shall be renewable annually upon the payment by the holder by October 1st of each year of an annual renewal fee of $10.00. Failure to pay the renewal fee by the prescribed date of any year shall cause the certificate to become delinquent in which case it shall be renewed only for good cause shown. No person may be granted a certificate of apprenticeship as funeral director's apprentice or embalmer's apprentice respectively, for more than three (3) consecutive years, excepting as provided. The Board shall mail, on or before August 1st of each year, to each registered apprentice at his last known address, a notice that his renewal fee is due and payable and that, if not paid by October 1st, his license will lapse.

Section 28. — Annual Report of Apprentices.

All apprentices registered as provided shall be under the supervision and control of the Board and shall be required to report to the Board annually on January 1st upon forms provided by the Board, showing the work which such apprentices have performed during the annual period preceding the first of the month on which the report is made, including the number of hours served and the number of bodies the apprentice has assisted in embalming or otherwise prepared for disposition during such period. The information contained in the report shall be certified to as correct by the funeral director by whom the apprentice has been employed during such period.

Section 29. — Leave of Absence for Apprentices.

The Board has power to grant leaves of absence and to grant extensions thereof to apprentices registered under the provisions of this act. However, no credit shall be given to an apprentice upon his apprenticeship for the period during which he is absent from duty on leave and no more than an aggregate of 12 months leave of absence shall be granted to any apprentice during the term of his apprenticeship. Application for leave of absence and for extension thereof shall be made by the apprentice upon a form provided by and addressed to the Board. Upon the termination of a leave of absence or any extension thereof, the apprentice shall report to the Board the fact that he has resumed his duties as an apprentice and certified to by

the funeral director under whom he has resumed his duties or by the embalmer under whom he is apprenticed, confirming this fact. Failure to so report within thirty (30) days after the expiration date of any leave of absence or extension thereof shall automatically cancel the registration of the apprentice.

Section 30. — Grounds for Suspension and Revocation of Certificates of Apprenticeship; Reregistration when Certificate has Lapsed or is Revoked.

(1) The Board has power to suspend or revoke a certificate of apprenticeship, after notice and upon hearing, where the apprentice is guilty of any of the following acts or omissions:

(a) Failure to devote not less than an average of thirty (30) hours per week, to the duties of his apprenticeship.

(b) Failure to make an annual report to the Board as required by this act.

(c) Absence from duty except on vacation for an aggregate of more than ten (10) days in any six (6) months or twenty (20) days in any year, without leave of absence granted by the Board.

(d) Gross immorality.

(e) Being on duty as an apprentice while under the influence of liquor or illegal drugs.

(f) Disobedience of proper orders or instructions of his superiors.

(g) Violation of any provision of this act or any rule or regulation of the Board made under this act.

(h) Soliciting business for a funeral director or for any embalmer.

(i) Fraud or misrepresentation in obtaining a certificate of registration as an apprentice.

(2) An apprentice who has allowed his certificate of apprenticeship to lapse or who has had his certificate of apprenticeship suspended or revoked may, within one (1) year after such suspension or revocation, make application for registration but not more than two (2) such registrations shall be allowed by the Board. The Board may, when the circumstances warrant allow an apprentice credit under a reregistration for time actually served under a previous registration except that if the previous registration has been suspended or revoked upon any of the grounds set forth in subsection (1) of this section, not more than 75 percent of the time previously served shall be credited on the reregistration.

Section 31. — Board Hearings to be Public; Record of Proceedings at Hearing.

All hearings provided for by this act shall be open to the public, and a report and record of proceedings of each hearing shall be made at the expense of the Board. A copy of such report and record shall be furnished to any interested party, upon request and tender to the Executive Secretary of the Board of the reasonable cost of preparation thereof.

Section 32. — Appeal from Decision of Board.

(1) Whenever, by decision, final order or other final determination upon any public hearing provided for by this act, a party to such hearing shall feel aggrieved, an appeal may be taken to the circuit court for the county within which such party resides, or, if he is not a resident of Alabama, then to the circuit court for the county within which the hearing was held. However, if there is more than one (1) appellant, the circuit court having jurisdiction to hear the appeal of the first appellant filing a notice of appeal, shall have jurisdiction to hear all appeals arising from the same hearing, irrespective of the place of residence of the appellants.

(2) On taking and perfecting an appeal to the circuit court having jurisdiction thereof, the court shall proceed as in equity.

(3) All appeals shall be taken within thirty (30) days from the date of the action or order made the basis of the appeal and shall be granted as a matter of right and be deemed perfected by filing with the Board a bond for security of costs of said appeal. Upon filing of a verified petition and hearing thereon, the court may, in its discretion, stay the order appealed from pending final judicial review. No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this act and affecting the order, rule or ruling appealed from. The court shall otherwise hear the case upon the record as certified to the court by the Executive Secretary of the Board and shall set aside the order, rule or action appealed from if the court finds that the Board erred to the prejudice of appellant's substantial rights in its application of the law; or, the order, decision or award was procured by fraud or was based upon a finding of facts contrary to the substantial weight of the evidence, or that the order was arbitrary, capricious or inconsistent with respect to any of the material issues involved; or that the Board failed in its order to find sufficient facts as to each material issue involved to enable the court to determine the basis for the conclusion of the Board. The court may, instead of setting aside the order, remand the case to the Board for further proceedings in conformity with the direction of the

court. The court may, in advance of judgment and upon a sufficient showing, remand the cause to the Board for the purpose of taking additional testimony or other proceedings.

(4) An appeal may be taken from the judgment decree or any appealable order of the circuit court to the Supreme Court of this state. Appeals to the Supreme Court shall be taken, perfected, heard and determined in the manner prescribed by law for taking, perfecting, hearing and determining appeals in equity to the Supreme Court.

Section 33. — Revocation, Suspension or Refusal to Renew Funeral Establishment License.

(1) The Board may revoke, suspend or refuse to renew a license issued to an operator of a funeral establishment as provided in this act.

(2) If, upon a complaint made to it or otherwise, the Board has reason to believe that the operator of a funeral establishment has failed to comply with the provisions of this act or the regulations of the Board, it shall conduct an investigation. If it appears to the Board that there is reasonable ground to believe that the operator has failed so to comply, it shall conduct a hearing on the matter. Notice of the time and place of the hearing, setting forth the respects in which failure to comply is charged, shall be sent to the operator no later than fifteen (15) days prior to the date set for the hearing. The operator may have the assistance of counsel at the hearing.

(3) If, upon the hearing, the Board finds that the operator has failed to comply with the provisions of this act or the regulations of the Board, it may revoke, suspend or refuse to renew the license.

Section 34. — Powers and Duties of the Board.

(1) The Board has the power to adopt and enforce for the protection of the public health, safety and welfare reasonable rules and regulations relating to:

(a) The practice of embalming and funeral directing.

(b) Sanitary conditions of funeral establishments, including plumbing, sewerage, disinfecting, ventilation and equipment. The rules and regulations of the Board shall not become effective until they have been published and discussed at a public hearing and have been filed in the office of the Secretary of State, and when so filed, such rules and regulations shall be in full force and have the effect of law. The Board shall mail notice of such hearing to each licensee under this act fifteen (15) days before the date of such hearing.

(2) The Board shall have power to hold hearings, conduct

investigations, subpoena witnesses, administer oaths and take testimony in order to carry out the provisions of this act.

(3) A court of competent jurisdiction may, upon application of the Board, restrain violations or refusals to comply with the provisions of this act or the regulations of the Board.

(4) All rules and regulations adopted by the Board shall be referenced to the section or sections of this act which sets forth the legislative standard which it interprets or to which it applies. Every rule and regulation shall be in writing, promulgated by an order, state its effective date, indexed in a permanent book which shall be a permanent record, and a true copy shall be filed in the office of the Secretary of State of Alabama. A copy of every order promulgating a rule, regulation or other corder containing a requirement of general application shall be mailed to each licensee by first class mail. The failure of a licensee to receive a copy of the rule, regulation or order shall not exempt or excuse him from the duty of compliance with the valid rules, regulations or orders lawfully issued.

Section 35. — Publication of Statutes and Regulations.

At least once every four (4) years the Board shall publish for distribution to funeral directors, embalmers and apprentices and such other persons as may be interested therein, in pamphlet form, the provisions of this act together with all rules and regulations prescribed, adopted or promulated pursuant to this act, together with a complete and current list of all persons and establishments licensed under this act.

Section 36. — Report to Secretary of State.

On or before April 1 of each year, the Board shall report ot the Secretary of State a full statement of the receipts and disbursements of the Board during the preceding year and full statement of its doings and proceedings, and such recommendations as it may deem proper.

Section 37. — Disposition of Fees.

All necessary expenses incurred in giving examinations to applicants and incidental to the renewal of licenses and all necessary expenses incurred in education and enforcing the provisions of this act shall be audited by the Examiner of Public Accounts and paid from the funds provided for in this act in the same manner as other claims against the state are paid, after due approval thereof by the Chairman and Executive Secretary of the Board.

Section 38. — Courts Having Jurisdiction; Initiation of Proceedings.

Circuit courts shall have jurisdiction in all prosecutions

arising under this act. The District Attorney is authorized to institute prosecutions for violations of this act by information, or prosecutions may be instituted by indictment, or by complaint verified before any magistrate.

Section 39. — Secretary Shall Mail Notices of Examination.

The Executive Secretary of the Board shall mail notices to all applicants and all established funeral firms in the state fifteen (15) days before an examination, listing the names of all persons admitted by the Board to take the examination, and setting out the time and place of the examination.

Section 40. — Unlicensed Person Not to Practice Funeral Directing.

After February 1, 1976, no person not licensed in this state as a funeral director shall engage in, or attempt to engage in, funeral directing until he has been licensed to do so under the provisions of this act.

Any person, corporation, partnership, society or group owning or operating a funeral establishment coming within the provisions of this act may do so only through the services of a licensed funeral director or embalmer. No person not licensed as a funeral director or embalmer shall be permitted to perform the functions of a funeral director or embalmer as herein defined, or hold himself out to the public as such by reason of his ownership in a funeral establishment or by reason of his ownership of stock owned in or office held in a corporation to own or operate a funeral establishment. After the effective date of this act, no firm or corporation authorized to own and operate a funeral establishment may change or amend its name or charter so as to include in its firm or corporate name the name of any person who is not individually licensed as a funeral director in this state; provided, however, that the provisions of this sentence shall not be applicable to the name of any firm or corporation owning or operating a funeral establishment on the effective date of this act so long as such firm or corporation remains under the same ownership.

Section 41. — Application for Funeral Establishment License; Inspection of Establishment; Issuance of License.

(1) Application for a license to operate a funeral establishment shall be made in writing on a form provided by the Board. The application shall be verified by the applicant, or, if the applicant is a corporation, firm or other organization, by an officer or member thereof, and shall be accompanied by an application fee of $100.00. The application shall disclose.

(a) the name and address of the establishment,

(b) that the establishment is operated by a licensed funeral

director and a licensed embalmer or a person licensed both as a funeral director and embalmer.

(c) a description of the establishment's buildings, equipment and facilities,

(d) that the establishment has a sanitary, properly equipped embalming room, a place for the conduct of funerals and a casket selection room stocked with an average selection of caskets.

(e) such other information as may be required by the board.

(2) Upon receipt of said application, the Board shall make inspection of the funeral establishment. If the Board determines that the establishment meets the qualifications prescribed by law, it shall issue the license.

(3) The Board may, in its discretion, waive initial inspection required under this act of all funeral establishments in operation in this state on or before May 1, 1975.

(4) All funeral establishments in operation on or before May 1, 1975, shall be allowed until February 1, 1976 to submit the initial application required under this act for license and to pay the prescribed fee for said license. Thereafter, all provisions of this act relating to application for funeral establishment license and inspection thereof and payment of fees and renewal of license, shall govern all funeral establishments.

Section 42. — Penalty for Failure to Register.

Any person, firm, partnership, society, group or corporation who has control of a funeral home, mortuary, chapel or funeral establishment, as defined in this law and fails to register same according to the provisions of this act, upon conviction, may be fined not less than Three Hundred Dollars ($300.00) nor more than Five Hundred Dollars ($500.00) for each violation and each day that said funeral home, mortuary, chapel or funeral establishment is operated shall be deemed to be a separate and distinct violation of this act.

Section 43. — Registration of Funeral Directors and Embalmers with State Board of Funeral Service; Application.

No application for a license of a funeral establishment shall be considered which does not show on the application that a licensed funeral director and licensed embalmer are employed by the establishment. This section shall not be construed to require a full time licensed embalmer at each funeral establishment. No funeral establishment shall be licensed except upon the basis of a licensed funeral director. All embalming must be performed under a licensed embalmer but such licensed em-

balmer shall not be restricted from working for more than one funeral establishment.

No licensed funeral director, based upon whose license or licenses a funeral establishment license has been issued, may serve as the regularly employed licensed funeral director at another funeral establishment which is owned by a different person, firm or corporation, at the same time for the purpose of qualifying such other establishment under this act.

It is hereby declared to be the legislative intent of this act that every funeral establishment in this state shall be operated under the full charge, control and supervision of an individually licensed funeral director or a person licensed both as a funeral director and as an embalmer, provided, however, that this section shall not preclude an unlicensed person from being in charge of the bookkeeping or records of such an establishment. The name of the licensed person to be in charge of each funeral establishment shall be stated on the application for all licenses or renewal of such licenses.

The issuance of a license to operate a funeral establishment to a person who is not individually licensed as a funeral director or embalmer does not entitle said person to practice embalming or funeral directing as defined by this act, it being the intent of this act that such practice may be performed only through individually licensed funeral directors and embalmers; and in addition to all other grounds for suspension of a funeral establishment license as enumerated in this act, a funeral establishment license shall be revoked by the Board upon hearing thereon, if any person, whether owner, officer, stockholder, or otherwise, who is connected with the funeral home shall perform any of the functions of a funeral director or embalmer as defined herein or shall hold himself out as a funeral director.

Section 44. — Transfer of Establishment License, First Inspection.

After the effective date of this act, no funeral establishment or branch thereof for the preparation, disposition and care of dead human bodies shall be opened or maintained unless duly licensed by the Board. No funeral establishment or branch shall be moved without obtaining a new funeral establishment license from the Board. The Board shall charge a fee of $35.00 in addition to the license fee for the first inspection of any funeral establishment seeking a license under Section 13 made for the purpose of determining whether such funeral establishment has fulfilled the requirements for licensure hereunder. All funeral establishments and branches may be inspected by the Board, or its representatives, at any time, and shall meet and conform to the provisions of this act and to such other lawful standards and requirements as may be determined by rule of the

Board in furtherance of the provisions of this act, and for failure to do so, the Board may revoke such license in accordance with the procedure set forth in this act. Applications for transfer of a license to another location in the same county shall be made upon blanks furnished by the Board and shall be accompanied by a fee of $25.00. The fee for a new branch or location for a funeral establishment shall be $250.00. Any change in ownership must be immediatetly reported to the Board.

Section 45. — Application by Surviving Spouse Upon Death of Funeral Director; Operation under Special Permit by Operator.

(a) When a licensed funeral director dies leaving a licensed funeral business with no licensed funeral director, the surviving spouse, or a surviving child of legal age, shall have the right to make application for examination as a funeral director. The application shall be in writing, on a form prescribed by the Board and shall state the facts pertaining to the case. The Board may, in its discretion, certify the applicant for the examination prescribed for funeral directors, in which event the requirements with respect to prior experience and apprenticeship shall be waived.

(b) When a licensed funeral director dies leaving a licensed funeral business with no licensed funeral director, the Board may issue a special operating permit to the operator of such licensed funeral business for a period of twelve (12) months, with the Board having the right to extend said permit an additional reasonable time to afford such operator the opportunity of obtaining a licensed funeral director for such business. The operation shall be required to pay a fee for the issuance of said special operating permit in the amount of $25.00.

(c) All human dead embalmed for a funeral establishment operating under a special operating permit and all funeral directing operations carried on under said permit shall be in conformance with all the requirements of this act which are not in conflict with this section.

Section 46. — Funds; Transfer.

All funds available, and to become available, to the State Board of Embalming, are hereby transferred to the Alabama Board of Funeral Service hereby established and created by this act and shall be available for the objects and purposes for which appropriated.

Section 47. — Recourse by a Licensee against Unreasonable Orders or Wrongful Interpretations of Act by the Board.

In event a licensee under this act should have cause to believe that the Board, or a member or members thereof, has

used the powers of the Board promulgate orders or rulings or requirements not intended by this act and that such orders or rulings or requirements are used to subject said licensee to unreasonable and wrongful interpretations of this act by the Board or that the Board or a member or members thereof, has imposed the powers of the Board or the wrongful interpretations of this act upon the licensee to such extent that it constitutes harrassment of the licensee; then the licensee may take an appeal for relief to the circuit court of the county in which licensee practices embalming, funeral directing or operates a funeral establishment as prescribed in Section 32 of this act.

Section 48. — Embezzlement, Abstracting or Wilfully Misapplying Moneys Collected; Bribery; Punishment.

Each and every person who embezzles, abstracts or wilfully misapplies, any of the moneys, funds, security or credit of the Alabama Board of Funeral Service, or who misuses any of the funds or fees so collected, by virtue of this act, and any person who, with like intent, aids or abets any person in violation of this act, or any portion thereof, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine of not less than $500.00 or exceeding $5,000.00, and imprisonment in the penitentiary for a period of not less than one (1) year and not more than five (5) years, and the principal offenders and those aiding and abetting same may be charged in the same count, and separate offenses may be charged, in separate counts, in the same indictment, and tried together. Any person found guilty of offering or of accepting a bribe whereupon any person is illegally licensed to practice embalming, funeral directing or to operate a funeral establishment in this state shall be punished by a fine of not less than $500.00 and may be imprisoned in the penitentiary for a period of one (1) to three (3) years, and the principal offenders and those aiding and abetting same may be charged in the same count and separate offenses may be charged in separate counts, in the same indictment, and tried together.

Section 49. — Licensing as Practical Embalmers Persons Who Have Been Actively and Continuously Engaged in or Employed in the Practice of Embalming Under the Supervision of a Licensed Embalmer for Four (4) Consecutive Years Immediately Preceding May 1, 1975.

After the effective date of this act, and before the date February 1, 1976, a person who is 21 years of age or older and who for four (4) consecutive years immediately preceding May 1, 1975, has been actively and continuously engaged or employed in the practice of embalming under the supervision of a person licensed as an embalmer, and who, during said four (4) year period from May 1, 1971 to May 1, 1975, has been a bona fide

resident of Alabama and engaged in the practice of embalming under the supervision of an embalmer licensed in Alabama for more than nine (9) months prior to the effective date of the act and has assisted with or embalmed, unassisted but under herein defined supervision, may apply to the Board for a license as a practical embalmer in this state in the following prescribed manner:

(a) Said applicant shall provide the Board with a sworn affidavit, signed by at least two (2) persons licensed and practicing embalming and subscribed to before a person commissioned to administer oaths, attesting to the fact that applicant has, prior to May 1, 1975, been continuously engaged or employed for not less than four (4) consecutive years at a certain funeral establishment or establishments; that said applicant has, in fact, assisted with or embalmed unassisted but under supervision of a licensed embalmer, that the applicant is capable and competent as an embalmer and that applicant is of good character.

(b) Said applicant shall provide the Board with a sworn affidavit, subscribed to before a person commissioned to administer oaths and signed by not less than two (2) reputable citizens, both of whom shall be residents of the community or communities wherein is located the funeral establishment or establishments at which the applicant is known personally to them to have been employed or associated for not less than four (4) consecutive years prior to May 1, 1975, and attesting to the applicant's good character. The Board shall take into consideration and give credit for, any time spent by the applicant in the service of the United States armed forces while engaged in war or national emergency during the four (4) year period of continuous and active practice of embalming required under this section.

(c) Upon presentation to the Board of said affidavits, together with the prescribed fee of $50.00, the Board may, at the discretion of the Board, issue a license for the practice of embalming in Alabama, as a licensed practical embalmer, subject thereafter to all the provisions of this act. If the Board declines to issue any license under this section, it shall find and state the reasons for such refusal.

(d) Nothing in this section shall be construed or interpreted to mean or imply that the Board, after May 1, 1976, may issue a license for the practice of embalming under the herein prescribed conditions or in the manner or through the procedures herein defined, to any person whatsoever, such being hereby expressly prohibited.

Section 50. — Licensing of Funeral Directors Who Have Been Actively and Continuously Practicing Funeral Directing in

Alabama for Four (4) Consecutive Years Immediately Preceding the Effective Date of this Act.

(1) After the effective date of this act and before the date of February 1, 1976, any person who has been actively and continuously engaged in or employed in the practice of funeral directing at an established funeral establishment in this state for not less than four (4) consecutive years shall obtain from the Board, in the following manner, a license to practice funeral directing in Alabama:

(a) Applicant shall provide the Board with two (2) sworn affidavits attesting to the fact that applicant has been actively and continuously engaged in the practice of funeral directing at one or more established funeral establishments in this state for a period of not less than four (4) consecutive years. One (1) affidavit shall be signed and sworn to (before a person commissioned to administer oaths) by two (2) persons licensed prior to May 1, 1975, to practice embalming in this state and one (1) shall be signed and sworn to (before a person commissioned to administer oaths) by two (2) reputable citizens who are residents of the community or communities wherein applicant engaged in the practice of funeral directing and who have personal knowledge of the applicant's occupational tenure as a funeral director, and who shall attest to the applicant's good character and reputation. Upon presentation of said affidavits, together with the prescribed fee of $50.00, the Board, in its discretion, may issue applicant a license for the practice of funeral directing in this state, provided, however, that the Board shall issue license in absentia to any person otherwise qualified who is serving a military commitment in the United States Armed Forces outside the state. The Board shall take into consideration and give credit for, any time spent by the applicant in the service of the United States Armed Forces while engaged in war or national emergency during the four (4) year period of continuous and active practice of funeral directing required under this section. If the Board declines to issue any license under this section, it shall find and state the reasons for such refusal. Nothing in this section shall be construed or interpreted to mean or imply that a license for the practice of funeral directing in this state may be issued by the Board in the herein defined manner, conditions or procedure after the date May 1, 1976, such being hereby expressly prohibited.

(b) After the effective date of this act and before February 1, 1976, any person licensed by the State Board of Embalming prior to June 1, 1975, to practice embalming in this state, and who is at time of application to the Alabama Board of Funeral Service, actively engaged in the practice of embalming at an established funeral establishment in this state, may, upon application and the payment to the Board of the

prescribed fee of $50.00, be issued a license for the practice of funeral directing in this state. Nothing in this section shall be construed or interpreted to mean or imply that a license for the practice of funeral directing may be issued by the Board or by any authority, in the herein defined manner, after the date of February 1, 1976, such being hereby expressly prohibited.

Section 51. — Certified Copy of Official Documents.

On application of any person and payment of the cost thereof, the Executive Secretary of the Board shall furnish, under the sael of the Board and signed by the Executive Secretary, a certified copy of any license, rule, regulation or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation, rule or order and that such is effective as of the date of such certificate.

Section 52. — Pricing Requirements and Methods of Quoting Prices.

Each funeral home shall have a card or brochure in each casket stating the price of the funeral service using said casket and listing the services and other merchandise included in the price. Where there are separate prices for the casket, the professional services, the use of facilities and the use of equipment, such card shall indicate the price of each such item, except in those instances such as unknown transportation costs and similar items which services must be stated with the price to be fixed upon billing. When the arrangers decide on the type of service desired, the firm must provide or cause to be provided to the person or persons making the arrangements, at the time such arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement showing (1) the price of the service that the person or persons has selected and what is included therein; (2) the price of each of the supplemental items of service and merchandise requested; (3) the amount involved for each of the items for which the funeral service home will advance monies as an accommodation to the family; and (4) the method of payment. No additional charges shall be made without approval of the arrangers except as stated in this section.

Section 53. — Violation of Act.

Unless otherwise provided herein, violation of any part of this act shall be a misdemeanor and shall be punishable as such under the Laws of Alabama.

Section 54. — Repealing Section.

Title 46, Section 121 through 128, Code of Alabama 1940,

and all other general, local or special laws, or parts of such laws, which conflict with this act are hereby repealed; provided, however, that this act shall not repeal or apply to any laws or legislation, including acts of local application, nor or hereafter in force, which regulate or control cemeteries or cemetery authorities in the State of Alabama, and which do not in any way affect or apply to funeral home operators, funeral directors or the practice of embalming.

Section 55. — Severability.

If any clause, sentence, paragraph, or section of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, unconstitutional, or otherwise unlawful, such judgment shall not affect, impair, or invalidate any other portion of this act, but shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which judgment shall be granted.

Section 56. — Effective Date.

This act shall become effective immediately upon its passage by the legislature and approval by the Governor, or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on September 10, 1975 without approval by the Governor.